

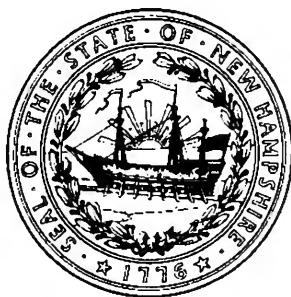








# NEW HAMPSHIRE GENERAL COURT



## JOURNAL of the HOUSE OF REPRESENTATIVES

containing the  
1995 Session  
December 7, 1994  
through  
June 29, 1995

HAROLD W. BURNS  
SPEAKER  
WARREN W. LEARY, JR.  
SERGEANT-AT-ARMS

KAREN O. WADSWORTH  
CLERK  
LEO J. CALLAHAN  
ASSISTANT CLERK

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# REGULAR SESSION OF 1995

## HOUSE JOURNAL No. 1

Wednesday, December 7, 1994

The House assembled at 1:00 p.m.

On the first Wednesday in December in the year of our Lord, one thousand nine hundred and ninety-four, it being the day designated by the Constitution for assembling, the one hundred and fifty-fourth General Court of the State of New Hampshire convened at the Capitol in the City of Concord. The representatives-elect were called to order by Leo J. Callahan, Acting House Clerk for the preceding session.

Prayer was offered by Reverend Edward G. Horstmann, Pastor of the First Congregational Church in Hopkinton.

O God of justice and compassion, pour out the abundance of Your blessing on the Representatives gathered here and on all those staff members who seek to support them and enable their work. We pray that You will inspire this entire body of Representatives with Your presence, and challenge them with Your truth. In their relationships, grant them compassion. In their thinking, grant them wisdom. In their fatigue, grant them new energy and vision. May these servants of the common good reflect, through their decisions and debates, Your deepest passions for the land and people of New Hampshire so that generations to come will look back upon their work and call them blessed. Amen.

Rep. Cole led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps.-elect Drabinowicz, Arnold, Lovejoy and George Brown, the day, illness.

Reps.-elect Henderson, Martin, Carol Moore, Musler, William Riley, Asselin and Holmes, the day, important business.

### CALL OF THE ROLL

#### BELKNAP COUNTY

Dist. No. 1 (2)	Thomas J. Boriso, r; David M. Lawton, r
Dist. No. 2 (2)	Robert J. Laffam, r; Francine Wendelboe, r
Dist. No. 3 (2)	Thomas G. Cain, r; John H. Thomas r
Dist. No. 4 (2)	George Hurt, r; James M. Johnson, r
Dist. No. 5 (3)	Paul A. Golden, r; Linda Ann Smith, r; Alice S. Ziegra, r
Dist. No. 6 (1)	Gordon E. Bartlett, r;
Dist. No. 7 (6)	Glenn E. Dewhirst, r; Robert G. Holbrook, r; Robert Lawton, r; Thomas E.P. Rice, Jr., r; Ralph J. Rosen, r; Robert H. Turner, r&d

#### CARROLL COUNTY

Dist. No. 1 (1)	Gene G. Chandler, r&d
Dist. No. 2 (2)	Kipp A. Cooper, r&d; Howard C. Dickinson, r&d
Dist. No. 3 (1)	Henry P. Mock, r
Dist. No. 4 (1)	Donald R. Philbrick, r
Dist. No. 5 (2)	David L. Babson, Jr., r; L. Randy Lyman, r
Dist. No. 6 (1)	Joe Kenney, r
Dist. No. 7 (1)	Mildred A. Beach, r
Dist. No. 8 (1)	Jeb E. Bradley, r
Dist. No. 9 (1)	Betsey L. Patten, r
Dist. No. 10 (2)	Robert W. Foster, r; Godfrey G. Howard, r

**CHESHIRE COUNTY**

Dist. No. 1 (1)	Paul McGuirk, d&r
Dist. No. 2 (2)	Joseph Norman Feuer, r; John J. Laurent, r
Dist. No. 3 (1)	Wanda G. McNamara, r&d
Dist. No. 4 (1)	Robert F. Delano, r
Dist. No. 5 (1)	Irene A. Pratt, d
Dist. No. 6 (1)	Edwin O. Smith, r
Dist. No. 7 (1)	Elected, not sworn
Dist. No. 8 (2)	Stephen G. Avery, r; Daniel M. Burnham, d
Dist. No. 9 (2)	Joseph P. Manning, r; H. Charles Royce, r
Dist. No. 10 (1)	John B. Hunt, r&d
Dist. No. 11 (2)	Stacey W. Cole, r; Myron S. Steere, III, r
Dist. No. 12 (1)	Barbara H. Richardson, d
Dist. No. 13 (1)	Katherine H. Metzger, r
Dist. No. 14 (1)	Benjamin J. DePecol, d
Dist. No. 15 (1)	Ronald G. Russell, d
Dist. No. 16 (1)	H. Thayer Kingsbury, d&r
Dist. No. 17 (1)	Robert K. Wollner, d
Dist. No. 18 (1)	Timothy N. Robertson, d&r
Dist. No. 19 (3)	Richard L. Champagne, d; Richard F. Doucette, d; Margaret A. Lynch, d

**COOS COUNTY**

Dist. No. 1 (2)	Perley E. Davis, r; Gerald P. Merrill, r
Dist. No. 2 (1)	Josephine Mayhew, d
Dist. No. 3 (1)	Lynn C. Horton, r
Dist. No. 4 (1)	Leighton C. Pratt, r&d
Dist. No. 5 (1)	Harold W. Burns, r
Dist. No. 6 (2)	Paula E. Bradley, d; Lawrence J. Guay, r
Dist. No. 7 (5)	Henry W. Coulombe, d&r; Yvonne Coulombe, d&r; Marie C. Hawkinson, d&r; Edgar Mears, d&r; Paul E. St. Hilaire, r

**GRAFTON COUNTY**

Dist. No. 1 (3)	Steven J. Connolly, r; Stephanie Eaton, r; Richard L. Hill, r
Dist. No. 2 (1)	Richard T. Trelfa, r
Dist. No. 3 (1)	William E. Williams, Jr., r
Dist. No. 4 (1)	Bonnie D. Ham, r
Dist. No. 5 (2)	Paul I. LaMott, r&d; Douglass P. Teschner, r&d
Dist. No. 6 (2)	Paul K. Chase, Jr., r; Sidney Lovett, d
Dist. No. 7 (2)	Allen K. MacNeil, r; John H. Tucker, r
Dist. No. 8 (2)	Nils H. Larson, Jr., r; William R. Phinney, r&d
Dist. No. 9 (1)	Elected, not sworn
Dist. No. 10 (4)	Marion L. Copenhaver, d; Elizabeth L. Crory, d; Robert H. Guest, d; Sharon L. Nordgren, d
Dist. No. 11 (2)	Philip Cobbin, r; David M. Scanlan, r
Dist. No. 12 (1)	Paul Mirski, r&d
Dist. No. 13 (1)	Clifton Below, d
Dist. No. 14 (4)	Carl S. Adams, r; Pamela B. Bean, r; Channing T. Brown, r; Karen O. Wadsworth, r

**HILLSBOROUGH COUNTY**

Dist. No. 1 (1)	Gordon Allen, r
Dist. No. 2 (1)	Herbert R. Hansen, r
Dist. No. 3 (1)	Maxwell D. Sargent, r
Dist. No. 4 (1)	Roland A. Sallada, r
Dist. No. 5 (2)	Neal M. Kurk, r; Paul R. Perkins, r&d
Dist. No. 6 (1)	O. Alan Thulander, r

- Dist. No. 7 (5)** Lawrence A. Emerton, Sr., r&d; Bruce F. Hunter, r; Karen K. McRae, r; Peter Showerman, r; Robert L. Wheeler, r
- Dist. No. 8 (2)** Merton S. Dyer, r; Stanley W. Peters, r
- Dist. No. 9 (1)** Eleanor H. Amidon, r
- Dist. No. 10 (1)** Linda T. Foster, d
- Dist. No. 11 (1)** \* Vacant
- Dist. No. 12 (1)** Margaret D. Hallyburton, r
- Dist. No. 13 (4)** Gary L. Daniels, r; Charles W. Ferguson, r; Keith R. Herman, r; Keith W. Moncrief, r&d
- Dist. No. 14 (3)** William S. Belvin, r&d; Cynthia J. Dokmo, r&d; Carol H. Holden, r&d
- Dist. No. 15 (4)** M. Virginia Burke, r&d; Maurice E. Goulet, r; Earl G. Legacy, r&d; Evelyn S. Letendre, r
- Dist. No. 16 (1)** Peter F. Wells, Sr., r
- Dist. No. 17 (2)** Leon Calawa, Jr., r; Loren J. Jean, r
- Dist. No. 18 (8)** Robert W. Brundige, r; Emma M. Dodge, r; Dennis H. Fields, r; John Gibson, r; Robert N. Kelley, r; Robert J. L'Heureux, r; Doris MacIntyre, r; Robert H. Milligan, r
- Dist. No. 19 (1)** Bonnie B. Packard, r&d
- Dist. No. 20 (2)** Betty B. Hall, d; Elected, not sworn
- Dist. No. 21 (1)** Jeffrey C. MacGillivray, r&l
- Dist. No. 22 (2)** Susan B. Durham, r; George W. Wright, r
- Dist. No. 23 (6)** David J. Alukonis, r; Robert E. Clegg, Jr., r; David S. Feng, r; Gary Francoeur, r; Rita Gotham, r; Stanley N. Searles, Sr., r
- Dist. No. 24 (3)** James J. Fenton, r; Thomas J. Kirby, d; Michael F. Marcinkowski, r
- Dist. No. 25 (1)** Donald B. White, r
- Dist. No. 26 (3)** Suzan L. R. Franks, r; Mark I. Holt, r; Jane E. O'Hearn, r
- Dist. No. 27 (3)** Cheryl Aksten, r; Richard Larose, r; Robert S. Mercer, r
- Dist. No. 28 (3)** Normand R. Bergeron, d; Sylvia A. Holley, r; Laura A. Kane, d
- Dist. No. 29 (3)** David E. Cote, d&r; Alphonse A. Haettenschwiller, d; Craig Michael Wheeler, d
- Dist. No. 30 (3)** Donnalee M. Lozeau, r; Paula L. Philbrook, d; Kathryn Toomey, d
- Dist. No. 31 (3)** Jane A. Clemons, d; Roland J. Lefebvre, d; Richard A. Soucy, d
- Dist. No. 32 (3)** Peter R. Cote, d; Claudette R. Jean, d; Janice B. Streeter, r
- Dist. No. 33 (3)** Elizabeth A. Cepaitis, r; James McClarin, l&r; Joan C. Sullens, r
- Dist. No. 34 (3)** Frederick B. Andrews, r; Paul W. Taylor, r; Elected, not sworn
- Dist. No. 35 (1)** David B. Holt, r
- Dist. No. 36 (1)** Elected, not sworn
- Dist. No. 37 (3)** David R. Boutin, r; Nick Hart, r; David T. Mittelman, r
- Dist. No. 38 (3)** Richard F. Ahern, d; Winston H. McCarty, r; Michael Morello, r
- Dist. No. 39 (3)** Mary E. Hussey, d; Joanne A. O'Rourke, d; Dorothy M. Worthen, r
- Dist. No. 40 (3)** \* Vacant; Lionel W. Johnson, d; Leo P. Pepino, r
- Dist. No. 41 (3)** Daniel J. Healy, d; J. Francis Laughlin, d; William J. McCarthy, d
- Dist. No. 42 (3)** Benjamin C. Baroody, d; Leona Dykstra, r; Donna M. Soucy, d
- Dist. No. 43 (3)** Norma Greer Champagne, r; Vivian J. Desmarais, r; Paul J. Dwyer, Sr., d
- Dist. No. 44 (3)** Charles G. Bridgewater, r; Raymond Buckley, d&r; Frances L. Riley, r
- Dist. No. 45 (3)** Janet Gail Barry, r; William J. Desrosiers, r; Mark A. Krochmal, r
- Dist. No. 46 (3)** Irene M. Messier, r; Frank J. Reidy, d; John M. White, d
- Dist. No. 47 (3)** Marc Pappas, r; Roland M. Turgeon, d; Elected, not sworn
- Dist. No. 48 (3)** Robert Chabot, r; Eugene L. Gagnon, r; Bernard Luebckert, r

### MERRIMACK COUNTY

- Dist. No. 1 (2)** Earle W. Chandler, r; John P. Chandler, r
- Dist. No. 2 (3)** Peter Crowell, r; Alf E. Jacobson, r; Avis B. Nichols, r
- Dist. No. 3 (2)** Bernard Lamach, r; Amy Patenaude, r
- Dist. No. 4 (1)** Rick A. Trombly, d

<b>Dist. No. 5 (1)</b>	Michael D. Whalley, r
<b>Dist. No. 6 (1)</b>	Derek Owen, d
<b>Dist. No. 7 (3)</b>	Steven T. DeStephano, d; Richard E. Kennedy, r; Richard G. Warner, r
<b>Dist. No. 8 (1)</b>	Charles W. Chandler, d&r
<b>Dist. No. 9 (4)</b>	Stephen J. Adams, r; Richard A. Barberia, r; Robert A. Lockwood, r; Jack B. Willis, r
<b>Dist. No. 10 (2)</b>	Mary Brown, r; Charles B. Yeaton, d
<b>Dist. No. 11 (3)</b>	David W. Hess, r; Ray F. Langer, r; Terence R. Pfaff, r
<b>Dist. No. 12 (4)</b>	Gabriel J. Daneault, d; Mary Ellen Pitman, r; Randall F. Shaw, r; Robert A. Varsalone, r
<b>Dist. No. 13 (3)</b>	Martin Feuerstein, r; Olive B. Morrill, r; James A. Whittemore, r
<b>Dist. No. 14 (1)</b>	Elected, not sworn
<b>Dist. No. 15 (1)</b>	Matthew J. Newland, d
<b>Dist. No. 16 (1)</b>	Anne M. Coughlin, d&r
<b>Dist. No. 17 (1)</b>	James MacKay, r
<b>Dist. No. 18 (1)</b>	John F. Weeks, Jr., r
<b>Dist. No. 19 (1)</b>	Elected, not sworn
<b>Dist. No. 20 (1)</b>	Toni Crosby, d
<b>Dist. No. 21 (1)</b>	Marilyn Anne Fraser, d
<b>Dist. No. 22 (1)</b>	Katherine D. Rogers, d
<b>Dist. No. 23 (1)</b>	Marjorie B. Buessing, r
<b>Dist. No. 24 (3)</b>	Miriam D. Dunn, d; Michael G. Little, r; Mary Jane Wallner, d

### ROCKINGHAM COUNTY

<b>Dist. No. 1 (1)</b>	Robert A. Johnson, r
<b>Dist. No. 2 (1)</b>	Margaret A. Case, r
<b>Dist. No. 3 (1)</b>	Ronald Nowe, r
<b>Dist. No. 4 (1)</b>	Robert K. Dodge, r
<b>Dist. No. 5 (1)</b>	C. Donald Stritch, r&d
<b>Dist. No. 6 (1)</b>	Rudolph J. Kobel, r
<b>Dist. No. 7 (1)</b>	Joseph E. Stone, r
<b>Dist. No. 8 (1)</b>	Donald W. Gorman, l,d&r
<b>Dist. No. 9 (2)</b>	Patricia L. Cote, r; Joseph F. Michelin, r&d
<b>Dist. No. 10 (1)</b>	Jon P. Beaulieu, r
<b>Dist. No. 11 (1)</b>	Elected, not sworn
<b>Dist. No. 12 (3)</b>	Franklin, C. Bishop, r&d; Richard E. Dolan, r; Elected, not sworn
<b>Dist. No. 13 (11)</b>	M. Kathryn Aranda, r; Janet M. Conroy, r&d; Sandra K. Dowd, r&d; Patricia A. Dowling, r&d; Robert M. Fesh, r&d; John P. Gleason, r; George N. Katsakiores, r; Phyllis M. Katsakiores, r; Rebecca E. Lee, r; James E. Lupien, r&d; Norma A. Sabella, r
<b>Dist. No. 14 (1)</b>	Natalie S. Flanagan, r
<b>Dist. No. 15 (2)</b>	Kevin L. Camm, r; Ed M. Putnam, II, r
<b>Dist. No. 16 (2)</b>	LeRoy S. Dube, r&d; Marilyn P. Senter, r
<b>Dist. No. 17 (2)</b>	Vivian R. Clark, r; Richard L. Haynes, r
<b>Dist. No. 18 (4)</b>	Marjorie Battles, r; John W. Flanders, Sr., r&d; David A. Welch, r,d&l; Kenneth L. Weyler, r&d
<b>Dist. No. 19 (3)</b>	Dennis F. Abbot, d; Betsy Coes, d; Edward J. Scanlon, r
<b>Dist. No. 20 (5)</b>	Robert S. Hawkins, r; Harold F. Magoon, r; Arthur Tufts, r; Elected, not sworn; Elected, not sworn
<b>Dist. No. 21 (3)</b>	Charles H. Felch, Sr., r; Benjamin E. Moore, r; E. Albert Weare, r
<b>Dist. No. 22 (5)</b>	Andrew Christie, Jr., r; Sharleene P. Hurst, r&l; Jane Kelley, d; Kenneth W. Malcolm, r; Katherin Pratt, r
<b>Dist. No. 23 (1)</b>	David L. Richards, r
<b>Dist. No. 24 (2)</b>	Jane S. Langley, r; John J. McCarthy, Jr., r
<b>Dist. No. 25 (3)</b>	Louis Gargiulo, r; George R. Rubin, r; John Simmons, r



- Dist. No. 26 (9)** Ronald J. Belanger, r; Beverly A. Gage, r; Fred A. Kruse, r; Richard Noyes, r; Bernard J. Raynowska, r; James E. Ross, r; Arthur W. Smith, r; Donna P. Sytek, r; John J. Sytek, r
- Dist. No. 27 (3)** Janet S. Arndt, r; Debbie L. Morris, r&d; Carol A. Yennaco, r&d
- Dist. No. 28 (1)** Arthur P. Klemm, Jr., r
- Dist. No. 29 (7)** Kevin G. Attar, r; William P. Boucher, r; Gregory G. Carson, r; Vivian L. Dunham, r; Karen K. Hutchinson, r; Sherman A. Packard, r; Elected, not sworn
- Dist. No. 30 (1)** Laura C. Pantelakos, d
- Dist. No. 31 (1)** Martha Fuller Clark, d
- Dist. No. 32 (1)** Harold G. Crossman, Jr., r
- Dist. No. 33 (2)** Warren E. Goddard, r; Anthony Syracuse, d
- Dist. No. 34 (1)** Cecelia D. Kane, d
- Dist. No. 35 (2)** Cynthia A. McGovern, d; Charles L. Vaughn, d
- Dist. No. 36 (1)** James R. Splaine, d

### STRAFFORD COUNTY

- Dist. No. 1 (1)** William H. Nehring, r
- Dist. No. 2 (1)** Robert E. McKinley, r
- Dist. No. 3 (2)** Ronald R. Chagnon, d; Henry P. Sullivan, d&r
- Dist. No. 4 (1)** Mark D. Hanlon, r
- Dist. No. 5 (1)** Barbara L. Spear, r
- Dist. No. 6 (2)** Marlene M. DeChane, d; Elected, not sworn
- Dist. No. 7 (1)** Patricia A. Hambrick, d
- Dist. No. 8 (4)** Suzanne K. Loder, d; Amanda A. Merrill, d; Deborah F. Merritt, d; Katherine W. Wheeler, d
- Dist. No. 9 (1)** Janet G. Wall, d
- Dist. No. 10 (1)** Richard O. Wasson, r
- Dist. No. 11 (4)** Roland E. Hemon, d&r; William V. Knowles, d&r; William H. McCann, Jr., d; Shane E. Tessimond, d
- Dist. No. 12 (4)** Arthur J. Pelletier, d; Ann M. Torr, r; Franklin G. Torr, r; Howard Williams, d
- Dist. No. 13 (1)** Charles D. Reynolds, r
- Dist. No. 14 (4)** Roger R. Berube, d&r; Dana S. Hilliard, d&r; Clair A. Snyder, d&r; Francis C. Vincent, d&r
- Dist. No. 15 (2)** Frank D. Callaghan, d; Fred Steadman, r
- Dist. No. 16 (2)** Clyde J. Douglass, r; Sandra B. Keans, r
- Dist. No. 17 (2)** Julie M. Brown, r&d; Elected, not sworn
- Dist. No. 18 (2)** Patricia C. Dunlap, r; Raymond A. Lundborn, d
- Dist. No. 19 (2)** Anne Grassie, d; Ralph W. Torr, r

### SULLIVAN COUNTY

- Dist. No. 1 (1)** Sandra Stettenheim, d
- Dist. No. 2 (1)** Thomas A. Behrens, r
- Dist. No. 3 (1)** Merle W. Schotanus, r
- Dist. No. 4 (3)** Gordon B. Flint, r; Fredrik Peyron, r; Robert Scott, r
- Dist. No. 5 (1)** Rudolf Adler, r
- Dist. No. 6 (1)** Elected, not sworn
- Dist. No. 7 (1)** Eric N. Lindblade, r
- Dist. No. 8 (1)** John R. Cloutier, d&r
- Dist. No. 9 (1)** Richard H. Krueger, r
- Dist. No. 10 (1)** David C. Allison, d
- Dist. No. 11 (2)** Lorraine R. Palmer, d; Allen Whipple, d

\*Vacancies exist pending decisions of the Ballot Law Commission.

With 382 members having answered the call of the roll, a quorum was declared present.

## RESOLUTION

Representatives-elect Burns and Trombly offered the following:

RESOLVED, that a committee of five be appointed to wait upon the Governor and the Honorable Council to inform them that a quorum of the House is assembled and requests their attendance.

Adopted.

The Chair appointed Representatives-elect Daniel J. Healy, Harold W. Burns, William P. Boucher, Paul I. LaMott and Marion L. Copenhaver.

## INTRODUCTION OF GUESTS

Norbert Scanlan, father of Rep.-elect Scanlan. Edward Gotham, husband of Rep.-elect Gotham. Joseph Sabella, husband of Rep.-elect Sabella. Barbara and Leroy Garnett, Tracie and Juliana Buckley, mother, stepfather, sister and niece of Rep.-elect Buckley. Talu Robertson, wife of Rep.-elect Robertson. Gregory Sullens, husband of Rep.-elect Sullens. Sharon, Deirdre and Alicia Carson, guests of Rep.-elect Carson. Liz Gilpin and Jay White, guests of Rep.-elect Hilliard. Ethel White, wife of Rep.-elect Donald White. Mary Ann Foster and Marian Irving, wife and daughter of Rep.-elect Robert Foster. Ellen, Casey, Allison and Kimberly, wife and daughters of Rep.-elect DeStefano. Claire Roy, and Lisa and Chad Blaise, guests of Rep.-elect Norma Champagne. Coralie Hansen, wife of Rep.-elect Hansen. Lillian Kennedy, Elizabeth Perkins, Maurice Dupuis, Freda Spiro and Betty Hoadley, guests of Rep.-elect Fraser. Rembert and Kate Aranda, husband and daughter of Rep.-elect Aranda. Mr. and Mrs. Vincent DeChane and Eric DeChane, family of Rep.-elect DeChane. Angela Crosby and Tom Arnold, daughter and guest of Rep.-elect Crosby. Albert and Alta Rogers, parents of Rep.-elect Rogers. Lee Hurst, husband of Rep.-elect Hurst. Ruth and John Singer and Marianne McEnrue, parents and guest of Rep.-elect Peter Crowell. Patricia Philbrick, wife of Rep.-elect Philbrick. Doris Adler, wife of Rep.-elect Adler. Gail Thomas, wife of Rep.-elect Thomas. Barbara Camm, Beverly Kordish, Mary Vashaw and Rick and Pamela Hartung, guests of Rep.-elect Camm. Richard Patten, husband of Rep.-elect Patten. Elizabeth, John and Lisa Kenney and Jeanne Demers, mother, father, sister and guest of Rep.-elect Kenney. Joyce Moncrief, daughter of Rep.-elect Moncrief. Michael Parszik, guest of Rep.-elect Boriso. Anne, Gary and Kathleen Neville, daughter, son-in-law and granddaughter of Rep.-elect Healy. Ann Sullivan, Helen, Ernie, Mary and Bernie Fisk, Judge Armand Capistran and former Rep. Robert Murphy, guests of Rep.-elect Healy. Christy Belvin, wife of Rep.-elect Belvin. Martha, Benjamin and Luke Teschner, wife and sons of Rep.-elect Teschner. Jay Dunham, husband of Rep.-elect Dunham. Lew and Jed Dokmo, Joanne Tiedmann and Caroline Wojcicki, guests of Rep.-elect Dokmo. Douglas Yennaco, husband of Rep.-elect Yennaco. Wendy Christensen, wife of Rep.-elect MacGillivray. Douglass Wheeler, husband of Rep.-elect Katherine Wheeler. Gerry and Gerry Jr. Letendre and Christine Collins, husband, son and daughter of Rep.-elect Letendre. Mal MacIntyre and Carrie and Emily Atkinson, husband, daughter and granddaughter of Rep.-elect MacIntyre. MaryLou Nowe, John and Dorothy Vitality, wife and guests of Rep.-elect Nowe. Francis and William Marcinkowski and William Zannoni, wife, son and grandson of Rep.-elect Marcinkowski. The family of Rep.-elect Herman. Jon Olson, brother of Rep.-elect Wadsworth. Karen Brundige and Nicole O'Neail, wife and daughter of Rep.-elect Brundige. Charlotte Taylor, Ruth Kelley and Mrs. Charles Schuh, wife and guests of Rep.-elect Taylor. Mr. and Mrs. Robert Wollner, Kathleen McQuaid and Margaret Rogers, parents and guests of Rep.-elect Wollner. Former Representative Paul Drolet, guest of the House. Raymond DeFillipo and Maryann Brickett, uncle and mother of Rep.-elect Simmons. Therese Wasson, wife of Rep.-elect Wasson. David, Kristin and Katherine Babson and Michael Harding, father, daughter, sister and brother-in-law of Rep.-elect Babson.

## OATH OF OFFICE

The Governor, Stephen R. Merrill, having been informed that a quorum of the House was assembled, appeared, accompanied by the Honorable Councilors Raymond S. Burton, Robert C. Hayes, Ruth L. Griffin, Earl A. Rinker and Bernard A. Streeter, Jr. The members-elect having presented their credentials, were duly qualified by the Governor as members of the House

of Representatives by taking and subscribing the oath of office agreeable to the provisions of the Constitution of the State of New Hampshire.

The Governor and Executive Councilors retired.

### **ELECTION OF HOUSE SPEAKER**

The Chair declared that nominations for Speaker were in order.

Rep. Ann Torr placed the name of Rep. Burns in nomination for Speaker. Reps. Cole and Scanlan seconded the nomination.

Rep. Buckley placed the name of Rep. Trombly in nomination for Speaker. Reps. Cecelia Kane and Katherine Wheeler seconded the nomination.

After the balloting was closed, the Chair named Reps. Channing Brown, Gage, Hess and Bonnie Packard as tellers for Rep. Burns, and Reps. Buckley, O'Rourke, Merrill and David Cote as tellers for Rep. Trombly to tally the vote.

### **RECESS**

With 261 members having voted for Rep. Burns, 112 members having voted for Rep. Trombly and six members having voted for others, the Chair declared Rep. Burns duly elected Speaker of the House.

Rep. Trombly moved that the vote for Rep. Burns be made unanimous and spoke to his motion. Adopted.

Reps. Ann Torr and Trombly escorted Rep. Burns and Mrs. Burns to the rostrum.

### **(Speaker Burns in the Chair)**

The Speaker addressed the House.

### **APPOINTMENTS**

The Speaker made the following appointments:

Deputy Speaker, Rep. Stacey W. Cole.

Majority Leader, Rep. Ann M. Torr.

Democratic Leader, Rep. Rick A. Trombly.

Majority Whip, Rep. David M. Scanlan.

Assistant Majority Leader, Rep. Pamela B. Bean.

Assistant Majority Leader, Rep. David A. Welch.

The Democratic Leader announced the following:

Deputy Democratic Leader, Rep. Raymond Buckley.

Democratic Whip, Rep. Amanda A. Merrill.

Assistant Deputy Democratic Leader, Rep. Joanne A. O'Rourke.

Deputy Democratic Whip, Rep. David E. Cote.

Assistant Deputy Democratic Whip, Rep. William H. McCann.

The Speaker appointed the Committee on Administrative Rules:

Rep. Robert S. Mercer

Rep. Merton S. Dyer

Rep. Larry A. Emerton

Rep. Marion L. Copenhaver

Rep. William H. McCann, Jr.

The Speaker appointed the House members to the Committee on Legislative Facilities:

Rep. Harold W. Burns

Rep. Ann M. Torr

Rep. Rick A. Trombly

Rep. Channing T. Brown

Rep. David M. Scanlan

Rep. Donna P. Sytek

**ELECTION OF HOUSE OFFICERS**

The Speaker declared nominations were in order for Clerk, Assistant Clerk and Sergeant-at-Arms.

Rep. Bonnie Packard placed in nomination the name of Rep. Karen O. Wadsworth for Clerk. Rep. Trombly seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the Clerk to cast one ballot for Rep. Karen O. Wadsworth and declared Rep. Karen O. Wadsworth elected Clerk.

**COMMUNICATION**

December 7, 1994

Hon. Harold W. Burns, Speaker

It is with feelings of both sadness and exhilaration that I hereby submit my resignation from the New Hampshire House of Representatives, effective immediately upon your receipt of this letter.

I have thoroughly enjoyed my ten years as a Representative. So many wonderful people have touched my life - some professionally and some more personally - and through it all I believe I have grown into a better, stronger person. The House has been a constant source of support, and I cannot begin to express my gratitude to my colleagues for their friendship. I have learned so much from all of them.

As I begin my tenure as House Clerk, I do so with the knowledge that election by one's peers is perhaps the highest form of tribute. I greatly appreciate the confidence and trust placed in me by you, Mr. Speaker, and by the members of this body, and I count on my love of and respect for the House to serve as my guide in this office. I look forward to the challenges of the upcoming session.

Karen O. Wadsworth, Grafton 14

The Speaker accepted the resignation with regret.

**ELECTION OF HOUSE OFFICERS (Cont'd.)**

Rep. Lockwood placed in nomination the name of Leo J. Callahan for Assistant Clerk.

Rep. Copenhaver seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the Clerk to cast one ballot for Leo J. Callahan and declared Leo J. Callahan elected Assistant Clerk.

Rep. Robert Kelley placed in nomination the name of Warren W. Leary for Sergeant-at-Arms. Rep. Ziegler seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the Clerk to cast one ballot for Warren W. Leary and declared Warren W. Leary elected Sergeant-at-Arms.

The House of Representatives offered the following:

**HOUSE RESOLUTION NO. 10**

honoring Rep. Daniel J. Healy of Manchester for his years of service to the New Hampshire House of Representatives

WHEREAS, Rep. Daniel J. Healy was first elected to the New Hampshire House of Representatives in 1944 and is beginning his 25th term in this body, and

WHEREAS, Rep. Daniel J. Healy is currently the longest serving state representative in the whole nation, with service to the New Hampshire House of Representatives spanning the terms of 11 U.S. Presidents, 12 New Hampshire Governors, 20 Senate Presidents and 15 House Speakers, and

WHEREAS, Rep. Daniel J. Healy completed 44 years on the Judiciary Committee and 26 years on the Elections Subcommittee of the Legislative Administration Committee and also served on the Ways and Means Committee, and

WHEREAS, Rep. Daniel J. Healy was a delegate to the 1938, 1964 and 1974 Constitutional Conventions, and

WHEREAS, Rep. Daniel J. Healy has a record of service to the State of New Hampshire that is unmatched by anyone in the history of the state, going back to the Revolutionary War, and

WHEREAS, at the age of 86 Daniel J. Healy is an extraordinary gentlemen and the esteemed Dean of the House, now therefore be it

RESOLVED, by the House of Representatives in its Organizational Session convened, that Daniel J. Healy be appointed Speaker Pro Tem for the day's proceedings and that he be saluted as Dean of the New Hampshire House of Representatives and honored by his fellow House members for his 48 years of dedicated service, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to him at the Organizational Session on Wednesday, December 7, 1994.

Unanimously adopted by a rising vote.

**(Rep. Cole in the Chair)**

Reps. Healy and Buckley addressed the House.

Governor Merrill addressed the House.

**(Speaker Burns in the Chair)**

**RESOLUTION**

Reps. Ann Torr and Trombly offer the following:

RESOLVED, that the House inform the Honorable Senate it has organized and is ready to meet with the Senate in Joint Convention for the purpose of electing a Secretary of State and a State Treasurer.

Adopted.

**SENATE MESSAGE**

The Senate has met and has organized and has elected as its officers: Sen. Joseph L. Delahunty, President; Gloria Randlett, Clerk; Lois Schmelzer, Assistant Clerk; Henry Wilson, Sergeant-at-Arms and Emile Martineau, Doorkeeper.

**RECESS**

**SENATE MESSAGE**

The Senate is ready to meet with the House of Representatives for the purpose of electing the Secretary of State and the State Treasurer.

**JOINT CONVENTION**

**(Speaker Burns presiding)**

The Chair declared nominations were in order for Secretary of State.

Rep. Healy placed the name of William M. Gardner in nomination for Secretary of State. Rep. Teschner and Sen. Barnes seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the Clerk to cast one ballot for Mr. Gardner.

The Chair declared Mr. Gardner duly elected Secretary of State.

The Chair declared nominations were in order for State Treasurer.

Sen. Fraser placed the name of Georgie A. Thomas in nomination for State Treasurer. Rep. Bonnie Packard seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the Clerk to cast one ballot for Mrs. Thomas.

The Chair declared Mrs. Thomas duly elected State Treasurer.

Rep. Teschner and Sen. Fraser escorted Mr. Gardner and Mrs. Thomas to the rostrum.

The Chair administered the oath of office to Mr. Gardner, Mrs. Thomas, Ms. Wadsworth, Mr. Callahan and Mr. Leary.

Mrs. Thomas and Mr. Gardner addressed the the Joint Convention.

Sen. Blaisdell and Rep. Ann Torr moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

Sen. Delahunty addressed the House.

**(Rep. Cole in the Chair)**

Reps. Ann Torr and Trombly offered the following:

**HOUSE RESOLUTION NO. 1**

RESOLVED, that the House adopt the rules of the 1994 session and that any House rule may be amended by majority vote until the fourth legislative day of the 1995 session with today counting as the first legislative day.

Rep. Ann Torr spoke in favor.

**(Speaker Burns in the Chair)**

Adopted.

Reps. Ann Torr and Trombly offered an amendment to House Rule 29.

**Amendment (0435L)**

Amend the introductory paragraph of house rule 29 by replacing it with the following:

29. The following standing policy committees shall be appointed at the commencement of any session and will consist of not more than 21 members, except that Commerce, Small Business, Consumer Affairs and Economic Development, and Judiciary and Family Law will consist of not more than 22 members and the committee on Finance will consist of not more than 29 members: Commerce, Small Business, Consumer Affairs and Economic Development; Constitutional and Statutory Revision; Corrections and Criminal Justice; Education; Environment and Agriculture; Executive Departments and Administration; Finance; Health, Human Services and Elderly Affairs; Judiciary and Family Law; Labor, Industrial and Rehabilitative Services; Legislative Administration; Municipal and County Government; Public Protection and Veterans Affairs; Public Works and Highways; Regulated Revenues; Resources, Recreation and Development; Rules; Science, Technology and Energy; State-Federal Relations; Transportation; and Wildlife and Marine Resources. The Speaker shall be a member of the Committee on Rules.

Amend house rule 29(c) by replacing it with the following:

(c) It shall be the duty of the Committee on Commerce, Small Business, Consumer Affairs and Economic Development to consider all matters pertaining to commerce, banks and banking institutions; insurance companies and contracts or insurance of any character; the needs of the small business community; all matters relating to consumer affairs and the economic conditions of commerce and industry; all matters relating to the economic development of the state, and such other matters as may be referred to it.

Amend house rule 29(e) by replacing it with the following:

(e) It shall be the duty of the Committee on Corrections and Criminal Justice to consider all matters relating to criminal justice, the Department of Corrections, sentencing, drug enforcement, bail, probation, parole, corrections facilities, DWI, domestic violence, juveniles and the corrections system, and such other matters as may be referred to it.

Amend house rule 29(h) by replacing it with the following:

(h) It shall be the duty of the Committee on Environment and Agriculture to consider all matters concerning agricultural and farm problems of the state, physical land use including current use, the various agricultural organizations, the protection of the state's environment from forms of pollution other than air or water pollution, waste management issues, and such other matters as may be referred to it.

Amend house rule 29(i) by replacing it with the following:

(i) It shall be the duty of the Committee on Executive Departments and Administration to consider matters pertaining to the general administration of state laws and changes therein; matters of policy pertaining to the executive departments; matters relating to the New Hampshire Retirement System; professional licensing; and such other matters as may be referred to it.

Amend house rule 29 by inserting after subparagraph (i) the following new subparagraph:

(j) It shall be the duty of the Committee on Finance to examine and consider the state of the treasury; to consider the budget, subjects concerning the financial interest of the state, all measures carrying appropriations of state money, except claims against the state; all bills and reso-

lutions relating to raising money by a state tax and the apportionment of same and all other methods for raising revenue for the state, and such other matters as may be referred to it. Prior to its report to the House, the Committee on Finance may refer the budget of certain self-sustaining state agencies to appropriate committees for study and recommendation.

Amend house rule 29(k) by replacing it with the following:

(k) It shall be the duty of the Committee on Judiciary and Family Law to consider all matters relating to the judicial system, right-to-know law, divorce, custody and child support, guardianships, life and death (such as abortion or assisted death), landlord/tenant rights, civil proceedings, tort law, forfeiture, victims' assistance, immunity, probate; children and youth and their rights, obligations and protection; and such other matters as may be referred to it.

Amend house rule 29(p) by replacing it with the following:

(p) It shall be the duty of the Committee on Public Works and Highways to consider all matters pertaining to public highways, buildings and capital construction; the capital budget; matters pertaining to the protection, improvement and preservation of the coastline; the care of state memorials and monuments; and such other matters as may be referred to it.

Amend house rule 29(t) by replacing it with the following:

(t) It shall be the duty of the Committee on Science, Technology and Energy to consider all matters pertaining to energy, telecommunications, air pollution, the jurisdiction of the Public Utilities Commission, the application of technological advances to the legislative process and the operation of state government, to coordinate the flow of information about technical and scientific matters to state and federal agencies and legislative committees, to monitor legislation referred to other committees in order to make suggestions for inclusion of technological improvements where warranted, and such other matters as may be referred to it.

Amend house rule 29 by deleting the original subparagraphs (a), (b), (f), and (w), and by redesignating the remaining subparagraphs to read as (a) through (u).

Rep. Ann Torr spoke in favor and yielded to questions.

Reps. Trombly, Lozeau and Donna Sytek spoke in favor.

Reps. Howard Williams and Crory spoke against.

Adopted.

Reps. Ann Torr and Trombly offered an amendment to House Rule 67.

#### **Amendment (0413L)**

Amend house rule 67 by deleting the deadlines for December 12, 1994; December 19, 1994; January 6, 1995; and January 13, 1995, and inserting in place thereof the following:

JANUARY 4, 1995, Wednesday, Sign-off of all bills.

JANUARY 13, 1995, Friday, Last day to introduce all bills.

Rep. Ann Torr spoke in favor and yielded to questions.

Rep. Trombly spoke in favor.

Adopted.

Reps. Ann Torr and Trombly offered the following:

#### **HOUSE RESOLUTION NO. 2**

RESOLVED, that the speaker appoint a committee of three to assign seats to members.

Adopted.

The Speaker appointed Reps. Scanlan, Bean and Buckley.

Reps. Ann Torr and Trombly offered the following:

#### **HOUSE RESOLUTION NO. 3**

RESOLVED, that the speaker appoint a committee of three to select a suitable person to serve as chaplain during the 1995 session of the legislature and to report such selection to the house for consideration.

Adopted.

The Speaker appointed Reps. Guay, Horton and Katherine Wheeler.

Reps. Ann Torr and Trombly offered the following:

**HOUSE RESOLUTION NO. 4**

RESOLVED, that action taken at all sessions of the house of representatives be recorded on tapes through the public address system, and that the tapes be used, by the house and the clerk, within three legislative days to confirm and correct the permanent journal. The permanent journal as prepared by the clerk and corrected by the house shall be the official record of the house; and

That the house committee on the journal be authorized to examine, and, if necessary, correct the permanent journal after its preparation by the clerk after the session.

Adopted.

Reps. Ann Torr and Trombly offered the following:

**HOUSE RESOLUTION NO. 5**

RESOLVED, that the speaker be authorized to employ such personnel as the speaker deems necessary; and

That the compensation of such personnel be fixed by the speaker, with the approval of the house subcommittee of the committee on legislative facilities, in accordance with RSA 17-E:5.

Adopted.

Reps. Ann Torr and Trombly offered the following:

**HOUSE RESOLUTION NO. 6**

RESOLVED, that the following policy be established for the distribution of house calendars and journals, bills, and joint resolutions to the general public, not to include members of the general court and state departments:

1. Every person is entitled, free of charge, to one copy of any publication at the legislative counter, or to have the publication mailed to that person upon individual request for one such copy.

2. Persons requesting copies of all publications for the entire session will be charged a fee sufficient to cover postage, envelopes, and handling. Such fees may be prorated when service is received for portions of the session only. All fees are payable in advance. The subscriber list may be submitted for legislative accounting and auditing purposes, but is not for publication or sale.

3. All fees charged for publications in accordance with this resolution shall be fixed and collected by the sergeant-at-arms with the approval of the speaker. The fees shall be paid into the state treasury and credited to the legislative appropriation.

Adopted.

Reps. Ann Torr and Trombly offered the following:

**HOUSE RESOLUTION NO. 7**

RESOLVED, that members will be paid their legislative salaries, as provided in the constitution, in the month of January 1995; and

That mileage of members of the house be paid every two weeks during the session.

Adopted.

Reps. Ann Torr and Trombly offered the following:

**HOUSE RESOLUTION NO. 8**

RESOLVED, that the speaker, after consultation with the minority leader, may cancel a scheduled meeting of the house in the event of severe weather which would make it dangerous, in the speaker's opinion, for members to come to Concord for the session, provided the speaker makes notification of such cancellation through the procedures set forth by the emergency committee recommendations which were developed in the 1969 session; and

That, in case of such cancellation, the house shall meet on the following legislative day. Any member who travels to Concord, or who is already in Concord on legislative business, on any day that a meeting of the house is cancelled under the authority of this resolution, shall be entitled to legislative mileage for such attendance on legislative business.

Adopted.



**HOUSE RESOLUTION NO. 9**

Presenting a petition objecting to the seating of Robert Scott as a state representative from Sullivan county, district 4.

**PETITION OF CELESTINE WIGGINS**

Now comes Celestine Wiggins, pursuant to New Hampshire Constitution Part II, Article 22 and RSA 660:19, and complains against the seating of Robert Scott as a state representative from Sullivan County District No.4. Celestine Wiggins states that she is the properly elected representative from Sullivan County District No. 4 and petitions the House of Representatives to seat her as state representative in place of Mr. Scott.

In support of her petition Celestine Wiggins says as follows:

The election day results of the Sullivan County District No. 4 state representative race show that Celestine Wiggins received 1054 votes and Robert Scott received 1031 votes. A chart of the original results tally is attached to this letter as CHART A.

Subsequent to the election, Mr. Scott, pursuant to RSA 660:1, filed a timely request for a recount by the Secretary of State. During the course of that recount the Secretary of State ruled that when a ballot contained a mark for a so called "straight republican" or "straight democratic" ticket and then contained individual marks next to the names of individual candidates, in the same party, for state representative for fewer than the three candidates that the voter was allowed to vote for, all candidates of that party are awarded a vote.

During the recount, ballots that contained a mark in the straight ticket box and then had a specific mark next to the names of fewer than three candidates, of the same party, were challenged by both democrats and republicans and set aside. A total of 55 "republican" and 17 "democratic" ballots fell into that category. See CHART B.

Prior to the inclusion of the disputed ballots in the tally, the vote total for Celestine Wiggins was 1048 and Robert Scott 1027. See CHART C.

Had the ballots been counted in a way that recognized the intent of the voter to cast an intentional vote for fewer candidates than allowed and to skip one or more of the candidates, the vote total would have been Wiggins 1058 and Scott 1036. See CHART D.

The instructions of the Secretary of State resulted in votes being counted for Robert Scott and Celestine Wiggins that were not, in fact, cast for either one of them. This awarding of non-votes resulted in a recording of a total of 1082 votes for Robert Scott and 1065 votes for Celestine Wiggins. See CHART E.

Celestine Wiggins appealed the ruling of the Secretary of State to the Ballot Law Commission, which upheld the Secretary of State.

The number of those "non-votes" awarded to Mr. Scott skewed the tally for state representative, inflated his vote count above that of the petitioner, and unlawfully displaced Celestine Wiggins as an elected state representative from Sullivan District 4.

Part One, Article 11 of the New Hampshire Constitution guarantees that all citizens have an equal right to vote and that every inhabitant shall have an equal right to be elected to office. The decision to award unintended votes to Robert Scott abridged the constitutional rights of the voters of Sullivan County District 4 who did not intend that a vote be counted for him, and abridged the constitutional right of Celestine Wiggins to have an equal right to be elected into office.

Pursuant to Part II, Article 22 of the New Hampshire Constitution, the House of Representatives shall be the final "judge of the returns, elections and qualifications of its members."

Wherefor Celestine Wiggins requests that the House of Representatives hear this petition and seat her as the Representative from Sullivan District No 4.

Respectfully submitted, Celestine Wiggins  
P.O. Box 140, Guild, N.H. 03754

December 4, 1994

I certify that I have sent a copy of this petition to Robert Scott and to William Gardner, Secretary of State.

Celestine Wiggins

Attachment to Petition of Celestine Wiggins  
State Representative Election 1994  
Sullivan County District No. 4

CHART A  
ORIGINAL RESULTS TALLY

	<i>Flint</i>	<i>Peyron</i>	<i>Scott</i>	<i>Elliot</i>	<i>Franklin</i>	<i>Wiggins</i>
Croydon	128	112	98	45	66	79
Newport	1139	867	774	524	665	814
Unity	203	173	159	146	143	161
Total	1470	1152	1031	715	874	1054

CHART B  
DISPUTED BALLOTS

	Republicans						
	<i>Flint</i>	<i>Peyron</i>	<i>Scott</i>	<i>Fl/Pey</i>	<i>Fl/Sc</i>	<i>Pe/Sc</i>	<i>Total</i>
Croydon	3	4	1	1	0	0	9
Newport	25	7	5	3	2	0	42
Unity	3	0	1	0	0	0	4
Total	31	11	7	4	2	0	55

	Democrats						
	<i>Elliot</i>	<i>Franklin</i>	<i>Wiggins</i>	<i>Ell/Fra</i>	<i>Ell/Wig</i>	<i>Fra/Wig</i>	<i>Total</i>
Croydon	O	0	1	0	0	0	1
Newport	1	3	6	0	0	0	10
Unity	0	3	3	0	0	0	6
Total	1	6	10	0	0	0	17

CHART C  
RESULTS NOT INCLUDING DISPUTED BALLOTS

	<i>Flint</i>	<i>Peyron</i>	<i>Scott</i>	<i>Elliot</i>	<i>Franklin</i>	<i>Wiggins</i>
Croydon	128	109	96	44	65	79
Newport	1117	864	773	514	668	811
Unity	200	172	158	150	140	158
Total	1445	1145	1027	708	873	1048

CHART D  
RESULTS COUNTING SPECIAL INTENT OF VOTERS  
TO VOTE FOR SPECIFIC CANDIDATES

	<i>Flint</i>	<i>Peyron</i>	<i>Scott</i>	<i>Elliot</i>	<i>Franklin</i>	<i>Wiggins</i>
Croydon	132	114	97	44	65	80
Newport	1147	874	780	515	671	817
Unity	203	172	159	150	143	161
Total	1482	1160	1036	709	873	1058

CHART E

Results certified by Secretary of State after recount that included  
counting votes for candidates for whom no specific vote was intended.

	<i>Flint</i>	<i>Peyron</i>	<i>Scott</i>	<i>Elliot</i>	<i>Franklin</i>	<i>Wiggins</i>
Croydon	137	118	105	46	66	80
Newport	1159	906	815	537	678	821
Unity	204	176	162	151	146	164
Total	1500	1200	1082	734	890	1065

The Speaker referred the Petition to the Subcommittee on Elections of the Committee on Legislative Administration.

### RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, January 4, 1995 at 1:00 p.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HR 1**, relative to adopting the rules of the 1994 session.

**HR 2**, relative to seat assignments.

**HR 3**, relative to selecting a House Chaplain.

**HR 4**, relative to recording House sessions and the permanent journal.

**HR 5**, relative to the Speaker employing personnel per RSA 17-E:5.

**HR 6**, relative to the distribution of House publications.

**HR 7**, relative to legislative salary and mileage payments.

**HR 8**, relative to canceling scheduled meetings of the House during severe weather.

### APPOINTMENTS

The Speaker appointed Rep. Jacobson as Assistant to the Speaker for House Continuing Education.

The Speaker appointed Rep. Hunt as Assistant to the Speaker on General Court Information Systems.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 4:45 p.m.

### RECESS

#### (Speaker Burns in the Chair)

The Speaker appointed Standing Committees of the House as follows:

#### COMMERCE, SMALL BUSINESS, CONSUMER AFFAIRS AND ECONOMIC DEVELOPMENT

##### REPUBLICANS

Packard, Bonnie B., Chairman

Hunt, John B. Vice Chairman

Hill, Richard L.

Gage, Beverly A.

Lindblade, Eric N.

Dunlap, Patricia C.

Yennaco, Carol A.

Dowd, Sandra K.

Krueger, Richard H.

Belanger, Roland J.

Carson, Gregory G.

Henderson, Warren C.

Herman, Keith R.

Hurt, George

Pappas, Marc P.

##### DEMOCRATS

Syracusa, Anthony

Crory, Elizabeth L.

Clark, Martha Fuller

Loder, Suzanne K.

Newland, Matthew J.

Crosby, Toni M.

DeStefano, Stephen T.

**CONSTITUTIONAL & STATUTORY REVISION***REPUBLICANS*

Flanagan, Natalie S., Co-Chairman  
 Holden, Carol H., Co-Chairman  
 Adams, Carl S., Vice Chairman  
 Dube, LeRoy S.  
 Shaw, Randall F.  
 Arnold, Thomas I.  
 Stritch, D. Donald  
 Willis, Jack B.  
 Arndt, Janet S.  
 Adams, Stephen J.  
 Cobbin, Philip T.  
 Hanlon, Mark D.  
 Langley, Jane S.  
 Scott, Robert  
 Varsalone, Robert A., III

*DEMOCRATS*

Splaine, James R.  
 Coes, Betsy A.  
 Hemon, Roland E.  
 Philbrook, Paula L.  
 Brown, George F.  
 Chandler, Charles W.

*LIBERTARIAN*

McClarín, Jim

**CORRECTIONS & CRIMINAL JUSTICE***REPUBLICANS*

Sytek, Donna P., Chairman  
 Lozeau, Donnalee M., Vice Chairman  
 Christie, Andrew, Jr.  
 Hurst, Sharleene P.  
 Clark, Vivian R.  
 Gagnon, Eugene L.  
 Lyman, L. Randy  
 Dolan, Richard E.  
 Dunham, Vivian L.  
 Hansen, Herbert R.  
 Johnson, James M.  
 MacIntyre, Doris R.  
 Morrill, Olive B.  
 Scanlon, Edward J.  
 Weare, Everett A.

*DEMOCRATS*

Hambrick, Patricia A.  
 Knowles, William V.  
 Russell, Ronald G.  
 Toomey, Kathryn W.  
 Coughlin, Anne M.  
 Doucette, Richard F.

*LIBERTARIAN*

Gorman, Donald W.

**EDUCATION***REPUBLICANS*

Larson, Nils H., Jr., Chairman  
 Spear, Barbara L., Vice Chairman  
 Searles, Stanley N., Sr.  
 Durham, Susan B.  
 Hutchinson, Karen K.  
 Buessing, Marjorie B.  
 Franks, Suzan L. R.  
 McKinley, Robert E.  
 O'Hearn, Jane E.  
 Wright, George W.  
 Laurent, John J.  
 Belvin, William S.  
 Marcinkowski, Michael F.  
 Ross, James E.  
 Thulander, O. Alan

*DEMOCRATS*

Guest, Robert H.  
 Riley, William A.  
 Yeaton, Charles B.  
 Champagne, Richard L.  
 White, John M.  
 Snyder, Clair A.

**ENVIRONMENT & AGRICULTURE***REPUBLICANS*

Musler, George T., Chairman  
 Trelfa, Richard T., Vice Chairman  
 Messier, Irene M.  
 Pratt, Leighton C.  
 Aranda, M. Kathryn  
 Lee, Rebecca E.  
 Philbrick, Donald R.  
 Wasson, Richard O.  
 Babson, David L.  
 Bridgewater, Charles G.  
 Camm, Kevin L.  
 Davis, Perley E.  
 Pitman, Mary Ellen  
 Phinney, William R.  
 Showerman, Peter

*DEMOCRATS*

Hall, Betty B.  
 Burnham, Daniel M.  
 Owen, Derek  
 Coes, Betsy A.  
 Melcher, Harold P.  
 Wheeler, Craig Michael

**EXECUTIVE DEPARTMENTS & ADMINISTRATION***REPUBLICANS*

Mercer, Robert S., Chairman  
 Dyer, Merton S., Vice Chairman  
 Sytek, John J.  
 Beaulieu, Jon P.  
 Langer, Ray F.  
 Moore, Benjamin E.  
 Emerton, Lawrence A.  
 Wells, Peter F., Sr.  
 Holley, Sylvia A.  
 Goulet, Maurice E.  
 Brown, Mary E.  
 Cooper, Kipp A.  
 Dodge, Robert K.  
 Goddard, Warren E.  
 Steere, Myron S., III

*DEMOCRATS*

Asselin, Robert P.  
 Dunn, Miriam D.  
 Robertson, Timothy N.  
 Stettenheim, Sandra B.  
 Tessimond, Shane E.  
 Williams, Howard E.

**FINANCE***REPUBLICANS*

Brown, Channing T., Chairman  
 Torr, Franklin G., Vice Chairman  
 LaMott, Paul I.  
 Holbrook, Robert G.  
 Johnson, Robert A.  
 Schotanus, Merle W.  
 Kurk, Neal M.  
 Merrill, Gerald P.  
 Ferguson, Charles W.  
 Riley, Frances L.  
 Klemm, Arthur P.  
 Dowling, Patricia A.  
 Wheeler, Robert L.  
 Weyler, Kenneth L.  
 Nichols, Avis B.  
 Sallada, Roland A.  
 Chandler, Earle W.  
 McRae, Karen K.  
 Peyron, Fredrik  
 Stone, Joseph E.  
 Alukonis, David J.

*DEMOCRATS*

O'Rourke, Joanne A.  
 Wallner, Mary Jane  
 Lynch, Margaret A.  
 Vaughn, Charles L.  
 Hawkinson, Marie C.  
 Nordgren, Sharon L.  
 Soucy, Donna M.  
 Allen, Gordon

**HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS***REPUBLICANS*

Foster, Robert W., Chairman  
 Holmes, Mary C., Vice Chairman  
 Amidon, Eleanor H.  
 Ziegra, Alice S.  
 Senter, Marilyn P.  
 Manning, Joseph P.  
 Brown, Alson W.  
 Chabot, Robert F.  
 Morello, Michael  
 Pratt, Katharin K.  
 Sargent, Maxwell D.  
 Case, Margaret A.  
 Sullens, Joan C.  
 Warner, Richard G.  
 Wendelboe, Francine

*DEMOCRATS*

Wheeler, Katherine Wells  
 Copenhaver, Marion L.  
 Kane, Cecelia D.  
 Haettenschwiller, Alphonse A.  
 Kingsbury, H. Thayer  
 Moore, Carol

**JUDICIARY AND FAMILY LAW***REPUBLICANS*

Lockwood, Robert A., Chairman  
 Hess, David W., Vice Chairman  
 Battles, Marjorie H.  
 Hart, Nick  
 Kennedy, Richard E.  
 Mittleman, David T.  
 Keans, Sandra Balomenos  
 Brown, Julie M.  
 Jacobson, Alf E.  
 Barry, Janet Gail  
 McCarthy, John J.  
 Hallyburton, Margaret D.  
 Letendre, Evelyn S.  
 McMahon, Donald F.  
 Streeter, Janice B.

*DEMOCRATS*

Wall, Janet G.  
 Healy, Daniel J.  
 DePecol, Benjamin J.  
 Allison, David C.  
 Johnson, Lionel W.  
 Mayhew, Josephine  
 Pratt, Irene A.  
 Richardson, Barbara Hull

**LABOR, INDUSTRIAL & REHABILITATIVE SERVICES***REPUBLICANS*

Hawkins, Robert S., Chairman  
 Turner, Robert H., Vice Chairman  
 Daniels, Gary L.  
 Perkins, Paul R.  
 McNamara, Wanda G.  
 Smith, Arthur W.  
 Flint, Gordon B.  
 Bishop, Franklin C.  
 Attar, Kevin G.  
 Clegg, Robert E., Jr.  
 Francoeur, Gary  
 Gibson, John M.  
 Kenney, Joseph D.  
 Michelin, Joseph F.  
 St. Hillaire, Paul E.

*DEMOCRATS*

Jean, Claudette R.  
 Drabinowicz, Theresa A.  
 Laughlin, J. Francis  
 Mears, Edgar H.  
 Palmer, Lorraine R.  
 Baroody, Benjamin C.

**LEGISLATIVE ADMINISTRATION***REPUBLICANS*

Horton, Lynn C., Chairman  
 Amidon, Eleanor H., Vice Chairman  
 Torr, Ann M.  
 Scanlan, David M.  
 Bean, Pamela B.  
 Ziegler, Alice S.  
 Felch, Charles H., Sr.  
 Dykstra, Leona  
 Malcolm, Kenneth W.  
 Dowd, Sandra K.  
 Pfaff, Terence R.  
 Trelfa, Richard T.  
 Garguilo, Louis  
 Smith, Edwin O.  
 Tufts, Arthur J.

*DEMOCRATS*

McCann, William H., Jr.  
 Trombly, Rick A.  
 Buckley, Raymond  
 Merrill, Amanda  
 Cote, David E.  
 Wheeler, Katherine Wells

**LEGISLATIVE ADMINISTRATION SUBCOMMITTEES****ELECTIONS***REPUBLICANS*

Torr, Ann M.  
 Scanlan, David M.  
 Bean, Pamela B.

*DEMOCRATS*

Cote, David E.

**ENROLLED BILLS***REPUBLICANS*

Tufts, J. Arthur  
 Pfaff, Terence R.  
 Smith, Edwin O.

*DEMOCRATS*

Buckley, Raymond

**JOURNAL***REPUBLICANS*

Dowd, Sandra K.  
 Dykstra, Leona  
 Trelfa, Richard T.

*DEMOCRATS*

Trombly, Rick A.

**MILEAGE & ELECTRONIC ROLL CALL***REPUBLICANS*

Malcolm, Kenneth W.  
 Bean, Pamela B.  
 Felch, Charles H., Sr.

*DEMOCRATS*

Merrill, Amanda

**RESOLUTIONS & SCREENING***REPUBLICANS*

Scanlan, David M.  
 Ziegler, Alice S.  
 Pfaff, Terence R.

*DEMOCRATS*

McCann, William H., Jr.

**MUNICIPAL & COUNTY GOVERNMENT***REPUBLICANS*

Behrens, Thomas A., Chairman  
 Metzger, Katherine H., Vice Chairman  
 Golden, Paul A.  
 Cote, Patricia L.  
 Rice, Thomas E.P., Jr.  
 Cepaitis, Elizabeth A.  
 Fesh, Robert M.  
 Lovejoy, Marian E.  
 Noyes, Richard  
 Putnam, Ed M.  
 Weeks, John F., Jr.  
 Brundige, Robert W.  
 MacKay, James R.  
 Patten, Betsey L.  
 Sabella, Norma A.

*DEMOCRATS*

Foster, Linda T.  
 Daneault, Gabriel J.  
 Lefebvre, Roland J.  
 McGuirk, Paul A.  
 Fraser, Marilyn A.  
 Whipple, Allen

**PUBLIC PROTECTION & VETERANS AFFAIRS***REPUBLICANS*

Welch, David A., Chairman  
 Flanders, John W., Sr., Vice Chairman  
 Fields, Dennis H.  
 Pepino, Leo P.  
 Dewhirst, Glenn E.  
 Fenton, James J.,  
 Rubin, George R.  
 Torr, Ralph W.  
 Chase, Paul K., Jr.  
 Hunter, Bruce F.  
 Jean, Loren J.  
 Milligan, Robert H.  
 Barberia, Richard A.  
 Little, Michael G.  
 Morris, Debbie L.

*DEMOCRATS*

Soucy, Richard A.  
 Laughlin, J. Francis  
 Turgeon, Roland M.  
 Coulombe, Yvonne  
 Greenleaf, Ronald S., Jr.  
 Kane, Laura A.

**PUBLIC WORKS AND HIGHWAYS***REPUBLICANS*

Chandler, Gene G., Chairman  
 Chandler, John P., Vice Chairman  
 Calawa, Leon, Jr.  
 Pfaff, Terence R.  
 Eaton, Stephanie  
 McCarty, Winston H.  
 Moncrief, Keith W.  
 Smith, Edwin O.  
 Whittemore, James A.  
 Tufts, J. Arthur  
 Haynes, Richard L.  
 Boutin, David R.  
 Gleason, John P.  
 LaRose, Richard J.

*DEMOCRATS*

Rogers, Katherine D.  
 Sullivan, Henry P.  
 Ahern, Richard F.  
 Cloutier, John R.  
 DeChane, Marlene M.  
 Dwyer, Paul J.



**REGULATED REVENUES***REPUBLICANS*

Kelley, Robert N., Chairman  
 Andrews, Frederick B., Vice Chairman  
 Horton, Lynn C.  
 McKinney, Betsy  
 Desrosiers, William J.  
 Flanders, David A.  
 Dykstra, Leona  
 Avery, Stephen G.  
 Burke, M. Virginia  
 Delano, Robert F.  
 Katsakiores, Phyllis M.  
 Lawton, Robert M.  
 Gotham, Rita A.  
 Legacy, Earl G.  
 Reynolds, Charles D.

*DEMOCRATS*

Changnon, Ronald R.  
 Pantelakos, Laura C.  
 Reidy, Frank J.  
 Clemons, Jane A.  
 Vincent, Francis C.  
 Lundborn, Raymond A.

**RESOURCES, RECREATION & DEVELOPMENT***REPUBLICANS*

Dickinson, Howard C., Jr., Chairman  
 Conroy, Janet M., Vice Chairman  
 Beach, Mildred A.  
 Nehring, William H.  
 Feuerstein, Martin  
 Laflam, Robert J.  
 Lawton, David M.  
 Royce, H. Charles  
 Whalley, Michael D.  
 Adler, Rudolf A.  
 Crowell, Peter O.  
 Dokmo, Cynthia J.  
 Mirski, Paul M.  
 Patenaude, Amy  
 Williams, William E., Jr.

*DEMOCRATS*

Merritt, Deborah F.  
 Martin, Mary Ellen  
 Kirby, Thomas J.  
 Bradley, Paula E.  
 Lovett, Sidney

**RULES***REPUBLICANS*

Burns, Harold W., Chairman  
 Cole, Stacey W., Vice Chairman  
 Torr, Ann M.  
 Scanlan, David M.  
 Brown, Channing T.  
 Foster, Robert W.  
 Sytek, Donna P.  
 Flanders, John W., Sr.  
 Chandler, Gene G.  
 Hess, David W.

*DEMOCRATS*

Trombly, Rick A.  
 Buckley, Raymond  
 Merrill, Amanda  
 Cote, David E.

*LIBERTARIAN*

Gorman, Donald W.

**SCIENCE, TECHNOLOGY & ENERGY***REPUBLICANS*

Bradley, Jeb E., Chairman  
 Guay, Lawrence J., Vice Chairman  
 Peters, Stanley W.  
 Rosen, Ralph J.  
 Holt, David B.  
 Ham, Bonnie D.  
 Aksten, Cheryl  
 Feng, David S.  
 Howard, Godfrey G.  
 Lamach, Bernard D.  
 Luebker, Bernard J.  
 MacGillivray, Jeffrey C.  
 Thomas, John H.  
 Tucker, John H.  
 White, Donald B.

*DEMOCRATS*

Below, Clifton C.  
 Pelletier, Arthur J.  
 McGovern, Cynthia A.  
 Grassie, Anne C.  
 Hussey, Mary E.  
 McCarthy, William J.

**STATE-FEDERAL RELATIONS***REPUBLICANS*

Gage, Beverly A., Chairman  
 Kennedy, Richard E., Vice Chairman  
 Holden, Carol H.  
 Scanlan, David M.  
 Fields, Dennis H.  
 Boucher, William P.  
 Gagnon, Eugene L.  
 Hurst, Sharleene P.  
 Welch, David A.  
 Teschner, Douglass P.  
 Avery, Stephen G.  
 Wells, Peter, F., Sr.  
 Holt, Mark I.  
 Simmons, John Anthony  
 Worthen, Dorothy M.

*DEMOCRATS*

Hilliard, Dana S.  
 Splaine, James R.  
 Tessimond, Shane E.  
 Wheeler, Craig Michael  
 Wollner, Robert K.

**TRANSPORTATION***REPUBLICANS*

Katsakiores, George N., Chairman  
 Mock, Henry P., Vice Chairman  
 Malcolm, Kenneth W.  
 Dodge, Emma M.  
 Bartlett, Gordon E.  
 Packard, Sherman A.  
 Kruse, Fred A.  
 Richards, David L.  
 Boriso, Thomas J.  
 Connolly, Steven J.  
 Desmarais, Vivian J.  
 Kobel, Rudolph J.  
 Krochmal, Mark A.  
 Lupien, James E.  
 Taylor, Paul W.

*DEMOCRATS*

Bergeron, Normand R.  
 Turgeon, Roland M.  
 Burnham, Daniel M.  
 Cote, Peter R.  
 Kelley, Jane P.  
 Berube, Roger R.

**WILDLIFE & MARINE RESOURCES***REPUBLICANS*

Douglass, Clyde J., Chairman  
Cain, Thomas G., Vice Chairman  
Felch, Charles H., Sr.  
L'Heureux, Robert J.  
Cote, Charles H.  
Crossman, Harold G., Jr.  
Smith, Linda Ann  
Boucher, William P.  
Raynowska, Bernard J.  
Magoon, Harold F.  
Feuer, Joseph N.  
Champagne, Norma G.  
MacNeil, Allen K.  
Nowe, Ronald J.  
Steadman, Frederick M.

*DEMOCRATS*

Coulombe, Henry W.  
Callaghan, Frank D.  
Brown, George F.  
Owen, Derek  
Abbott, Dennis F.  
Berube, Roger R.

**APPOINTMENTS**

The Speaker appointed the following members Assistant Majority Whips:

Rep. Douglass P. Teschner, Pike  
Rep. Nick Hart, Manchester  
Rep. Terence R. Pfaff, Hooksett  
Rep. Merle W. Schotanus, Grantham  
Rep. Edwin O. Smith, Hinsdale

The Democratic Leader appointed Rep. Marion L. Copenhaver Senior Assistant Democratic Leader.

The Democratic Leader appointed the following members Assistant Democratic Leaders:

Rep. David C. Allison, Cornish  
Rep. Martha Fuller Clark, Portsmouth  
Rep. Josephine Mayhew, Groveton  
Rep. Cynthia A. McGovern, Portsmouth  
Rep. William A. Riley, Marlborough  
Rep. Mary Jane Wallner, Concord  
Rep. Katherine W. Wheeler, Durham

Rep. Cole moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 2

Wednesday, January 4, 1995

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

The Governor joined the Speaker on the rostrum for the day's opening ceremonies.

Rep. Guay reported that the Chaplain Committee selected Rev. Edward G. Horstmann of the First Congregational Church in Hopkinton to serve as the House Chaplain.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

Almighty God, as we stand in the freshness of a New Year grant us those divine gifts which can truly consecrate our labors in the coming months. Bless us with tough minds and tender hearts so that we may discern Your spirit in our midst and inspire us with patience and perseverance as we strive to make Your will known through our work. In all that we do and are, inspire us with Your love and strengthen us with Your presence. Amen

Rep. Sallada led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. David Cote, Dowling and Michelin, the day, illness.

Reps. Francoeur, Robert McKinley, Flint, Burke, Hart, Moncrief and Charles Cote, the day, important business.

Reps. Clemons and Hunt, the day, death in the family.

### INTRODUCTION OF GUESTS

Erin Peacock, guest of Rep. Craig Wheeler. Joe and Ashley Zanca, guests of Rep. Little.

### EMPLOYEE OF THE MONTH

The employee of the month is Lois Spearman, the State House nurse.

Lois has been affiliated with the Legislature since 1978. She first worked here on assignment from the Division of Public Health Services, and since 1992 has been a legislative employee.

She has worked hard to make this complex a safe place to work for legislators and staff members. She has provided first aid to people who were injured or seriously ill.

Please join me in congratulating Lois Spearman.

### COMMUNICATION

December 14, 1994

Karen O. Wadsworth, House Clerk

This is to advise that the following representatives-elect were sworn into office by the Governor and Executive Council at their meeting held today:

Cheshire 7, William A. Riley, d&r, Nelson (55 Tolman Pond Road, Marlborough) 03455

Grafton 9, Alson W. Brown, r, Wentworth (PO Box 6, Rte. 25A) 03282

Hillsborough 11, Hal Melcher, d, Wilton (732 Abbot Hill Road) 03086

Hillsborough 20, Thomas I. Arnold, Jr., r, Brookline (10 Milford St.) 03033

Hillsborough 34, Mary Ellen Martin, d&r, Nashua (5 Lonestar Drive) 03062

Hillsborough 40, Donald F. McMahon, r, Manchester (360 Hanover St.) 03104

Hillsborough 47, Robert Paul Asselin, d, Manchester (164 Douglas St.) 03102

Merrimack 14, Mary C. Holmes, r, Concord (421 Spring St., Penacook) 03303

Merrimack 19, Carol Moore, d, Concord (38 1/2 S. Spring St.) 03301

Rockingham 11, Charles H. Cote, r, Danville (7 Cote Drive) 03815

Rockingham 12, Marian E. Lovejoy, r, Raymond (PO Box 427) 03077

Rockingham 20, David A. Flanders, r, Exeter (30 Hall Place) 03833

Rockingham 29, Betsy McKinney, r, Londonderry (120 Litchfield Road) 03053

Strafford 6, George T. Musler, r, Barrington (449 Route 9) 03825

Strafford 17, George F. Brown, d, Rochester (13 Grove St., Gonic St.) 03839

William M. Gardner, Secretary of State

**RESOLUTION**

Reps. Ann Torr and Trombly offered the following:

**RESOLVED**, that the Honorable Senate be notified that the House of Representatives is ready to meet with the Senate in Joint Convention for the purpose of canvassing the votes for Governor and Executive Council.

Adopted.

**SENATE MESSAGE**

The Honorable Senate is ready to meet with the House in Joint Convention for the purpose of canvassing the votes for Governor and Executive Council.

**JOINT CONVENTION**

**(Speaker Burns presiding)**

**RESOLUTION**

Rep. Ann Torr and Sen. Barnes offered the following:

**RESOLVED**, that the Honorable Secretary of State be requested to lay before the Convention the return of votes for Governor and Executive Council.

Robert P. Ambrose, Deputy Secretary of State, appeared before the Joint Convention and laid before the Joint Convention the returns of votes for Governor and the Executive Councilors cast in the General Election held November 8, 1994 as follows:

**FOR GOVERNOR**

	Merrill, r	King, d	Winter, l
Belknap	11,329	3,375	701
Carroll	9,611	2,707	539
Cheshire	12,463	6,323	636
Coos	6,883	2,610	225
Grafton	15,137	6,975	773
Hillsborough	65,766	19,715	3,946
Merrimack	25,079	11,470	2,445
Rockingham	46,816	15,211	2,798
Strafford	16,656	7,477	1,171
Sullivan	8,394	3,823	475
<b>TOTALS</b>	<b>218,134</b>	<b>79,686</b>	<b>13,709</b>

Stephen Merrill, having a plurality of votes was elected.

**FOR EXECUTIVE COUNCILORS****First District**

Raymond S. Burton, r	47,801
Kevin F. MacMillan, d	15,465
Edmund S. Foley, l	3,480
Plurality for Burton	32,336

**Second District**

Peter J. Spaulding, r	38,669
Barbara Kuhlman Brown, d	25,432
Plurality for Spaulding	13,237

**Third District**

Ruth L. Griffin, r&l	37,077
Barbara L. Garofalo, d	18,487
Plurality for Griffin	18,590

**Fourth District**

Earl A. Rinker, III, r&d	43,480
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## Fifth District

Bernard A. Streeter, Jr., r	38,076
Keith Regli, d	14,013
Robert Multer, l	3,377
Plurality for Streeter	24,063

**RESOLUTION**

Rep. Trombly and Sen. King offered the following:

**RESOLVED**, that the vote for Governor and Council be referred to a committee consisting of two on the part of the Senate and three on the part of the House to compare and count the same and report thereon.

Adopted.

The Chair appointed Reps. Healy, Boucher and LaMott and Sens. Blaisdell and Podles.

Rep. Ann Torr and Sen. Barnes moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

**RECESS**

**(Speaker Burns in the Chair)**

**AMENDMENT TO HOUSE RULES**

Rep. Ann Torr moved that House Rule 67, Deadlines for Legislative Action, be amended as offered by the Rules Committee.

JANUARY 4, 1995, Wednesday	- Last day to sign-off all bills.
JANUARY 13, 1995, Friday	- Last day to introduce all bills.
FEBRUARY 15, 1995, Wednesday	- Last day for Governor's Budget Message.
MARCH 1, 1995, Wednesday	- Last day to report money bills and capital budget.
MARCH 8, 1995, Wednesday	- Last day to report non-money bills.
	Last day to refer bills to a second committee.
MARCH 9, 1995, Thursday	- Last day to refer capital budget to Finance.
MARCH 16, 1995, Thursday	- <b>CROSSOVER</b> - Last day to act on non-money bills not in a second committee.
MARCH 29, 1995, Wednesday	- Last day to report bills out of second committees.
APRIL 4, 1995, Tuesday	- Last day for House budget briefing
APRIL 6, 1995, Thursday	- <b>CROSSOVER</b> - Last day to act on all bills, including budgets.
APRIL 26, 1995, Wednesday	- Last day to report Senate money bills.
MAY 3, 1995, Wednesday	- Last day to report all Senate non-money bills.
MAY 4, 1995, Thursday	- Last day to act on all Senate money bills.
MAY 11, 1995, Thursday	- Last day to act on all Senate non-money bills.
MAY 16, 1995, Tuesday	- Last day to form Committees of Conference.
MAY 23, 1995, Tuesday	- Last day to file conference reports.
MAY 25, 1995, Thursday	- Committee of Conference reports available.
MAY 31, 1995, Wednesday	- Last day to act on all conference reports, including the budget.

Adopted.

**RESOLUTION**

Rep. Ann Torr offers the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 101 through 192 and 194 through 233, Constitutional Amendment Concurrent Resolutions numbered 1 and 2, and House Joint Resolution numbered 1, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS, CACRs and HJR****First, second reading and referral**

**HB 101**, increasing the age that child passenger restraints are required from 12 years of age to 18 years of age. (Cloutier, Sull 8; Wollner, Ches 17: Transportation)

**HB 102**, establishing terms of office for police chiefs and police officers elected by towns. (J. Flanders, Rock 18; Welch, Rock 18: Municipal and County Government)

**HB 103**, relative to the qualifications of the adjutant general. (Welch, Rock 18; Fields, Hills 18: Public Protection and Veterans Affairs)

**HB 104**, establishing a study committee to examine the development of interactive communication systems among the public schools in the state. (Peters, Hills 8; Franks, Hills 26: Education)

**HB 105**, relative to amateur boxing. (McRae, Hills 7; Beaulieu, Rock 10; Kennedy, Merr 7: Executive Departments and Administration)

**HB 106**, requiring that OHRV administrative license suspension be conducted pursuant to the motor vehicle administrative license suspension procedure. (Douglass, Straf 16: Transportation)

**HB 107**, expanding the authority of the executive director of fish and game to adopt rules relative to marine species. (Douglass, Straf 16: Wildlife and Marine Resources)

**HB 108**, changing certain specific terminology to more general terminology in certain fish and game laws. (Douglass, Straf 16: Wildlife and Marine Resources)

**HB 109**, relative to what constitutes prostitution. (Hambrick, Straf 7; Knowles, Straf 11: Corrections and Criminal Justice)

**HB 110**, relative to child restraints on motorcycles. (S. Packard, Rock 29; Malcolm, Rock 22: Transportation)

**HB 111**, relative to agreements to pay compensation for abandoned property recovery. (B. Packard, Hills 19: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 112**, clarifying the administrative powers of the department of environmental services relative to dams, mills, and flowage. (Dickinson, Carr 2; Conroy, Rock 13: Executive Departments and Administration)

**HB 113-FN**, prohibiting cigarette vending machines in areas to which minors have access. (Cloutier, Sull 8: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 114-FN**, establishing a brew pub liquor license and fees for the license. (R. Kelley, Hills 18: Regulated Revenues)

**HB 115-FN**, increasing fees for certain fish and game licenses for nonresidents and establishing a nonresident hunting and fishing license. (Douglass, Straf 16: Wildlife and Marine Resources)

**HB 116-FN**, establishing a committee to study the operation and funding of the New Hampshire veterinary diagnostic laboratory and authorizing the commissioner to collect fees for drug testing of animals competing in livestock events. (L. Pratt, Coos 4; Owen, Merr 6: Environment and Agriculture)

**HB 117-FN**, changing the name of the department of agriculture to the department of agriculture, markets, and food; clarifying the mission of the department and the responsibilities of the commissioner; and revising the composition and responsibilities of the agricultural advisory board. (Teschner, Graf 5; Schotanus, Sull 3; L. Pratt, Coos 4; Owen, Merr 6: Environment and Agriculture)

**HB 118-FN**, expanding activities permitted under special hunting licenses for persons 68 years of age or older. (L'Heureux, Hills 18; H. Coulombe, Coos 7; McGuirk, Ches 1; Boucher, Rock 29: Wildlife and Marine Resources)

**HB 119-FN**, extending the animal population control program. (K. Wheeler, Straf 8; Dickinson, Carr 2; Cohen, Dist 24; Roberge, Dist 9: Environment and Agriculture)

**HB 120**, prohibiting certain motorboats on Flint Pond in the town of Hollis. (Wright, Hills 22; Durham, Hills 22; Stawasz, Dist 12: Transportation)

**HB 121**, relative to the definition of "wrongful dishonor" under article 4 of the uniform commercial code. (Hunt, Ches 10; Fuller Clark, Rock 31: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 122**, increasing the penalties for simple assault against a family or household member or intimate partner. (Knowles, Straf 11; V. Clark, Rock 17: Corrections and Criminal Justice)

**HB 123**, authorizing conservation officers to enforce motor vehicle laws. (McGuirk, Ches 1; Hurst, Rock 22: Public Protection and Veterans Affairs)

**HB 124**, permitting emergency interception of oral communications without prior court authorization under certain circumstances involving immediate danger of death or serious bodily injury. (D. Sytek, Rock 26; Johnson, Dist 3: Corrections and Criminal Justice)

**HB 125**, making technical corrections and clarifications in the wiretapping and eavesdropping statutes. (D. Sytek, Rock 26; Johnson, Dist 3: Corrections and Criminal Justice)

**HB 126**, establishing a student activity center account for the New Hampshire technical institute. (G. Chandler, Carr 1; Dunn, Merr 24; Durham, Hills 22; Rogers, Merr 22: Public Works and Highways)

**HB 127**, relative to the statement which must be signed by applicants for notary public or justice of the peace. (Hart, Hills 37: Judiciary and Family Law)

**HB 128-FN-L**, establishing distribution requirements for state aid to education. (J. Bradley, Carr 8: Education)

**HB 129**, relative to unlicensed dogs and nuisance dogs. (Milligan, Hills 18; R. Kelley, Hills 18; L'Heureux, Hills 18; Roberge, Dist 9: Municipal and County Government)

**HB 130-FN**, relative to separate election ballots for straight ticket voting. (Whittemore, Merr 13: Constitutional and Statutory Revision)

**HB 131-FN**, allowing the state to recover from counties funds which are paid to owners after escheatment. (B. Packard, Hills 19: Executive Departments and Administration)

**HB 132**, relative to life imprisonment for persons who have committed 3 or more serious violent felonies. (Hess, Merr 11; L. Kane, Hills 28: Corrections and Criminal Justice)

**HB 133-L**, allowing the local governing body to set certain fees. (Emerton, Hills 7: Municipal and County Government)

**HB 134**, amending the charter of the union school district of Keene. (R. Champagne, Ches 19; Blaisdell, Dist 10: Constitutional and Statutory Revision)

**HB 135**, exempting insurers of private landowners who donate the use of their land to a political subdivision that provides adequate insurance coverage of its own from liability arising from such use of private lands. (Horton, Coos 3: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 136**, requiring motor vehicle dealers to sell vehicles with certificates showing compliance with the emissions statutes. (Lefebvre, Hills 31: Science, Technology and Energy)

**HB 137**, relative to taxation on abandoned manufactured housing units. (Dowling, Rock 13; Gage, Rock 26; Barnes, Dist 17: Municipal and County Government)

**HB 138**, relative to the appointment of inspectors of election. (Shaw, Merr 12: Constitutional and Statutory Revision)

**HB 139**, establishing a nearshore water use activity zone on Big Squam Lake and Little Squam Lake. (Laflam, Belk 2: Transportation)

**HB 140**, relative to safe school zones. (D. Sytek, Rock 26; A. Torr, Straf 12; D. Welch, Rock 18: Corrections and Criminal Justice)

**HB 141**, creating an alternative form of local government to allow towns, school districts, and village districts to vote on their annual operating budgets by official ballot. (Hess, Merr 11; L. Foster, Hills 10; Noyes, Rock 26; Stone, Rock 7: Municipal and County Government)

**HB 142**, regulating boaters and divers as to the use of dive flags. (Sallada, Hills 4; G. Katsakiores, Rock 13: Transportation)

**HB 143**, relative to transporting loads on highways and establishing fines. (S. Packard, Rock 29: Transportation)

**HB 144**, allowing certain liquor licensees to conduct liquor tasting on licensed premises. (Behrens, Sull 2: Regulated Revenues)

**HB 145**, establishing a committee to study the problem of noise pollution. (Ham, Graf 4: Science, Technology and Energy)

**HB 146**, prohibiting studded tires in the non-winter months. (Ham, Graf 4: Transportation)

**HB 147**, prohibiting banks from charging fees to second party recipients of insufficient funds checks. (Desrosiers, Hills 45: Commerce, Small Business, Consumer Affairs and Economic Development)



**HB 148-L**, permitting the polling places in small towns to be open for fewer than 8 hours. (J. Bradley, Carr 8; Johnson, Dist 3: Constitutional and Statutory Revision)

**HB 149-FN**, regulating fertilizer and agricultural liming materials. (L. Pratt, Coos 4; Owen, Merr 6: Environment and Agriculture)

**HB 150-FN**, allowing certain persons to register and inspect their vehicles prior to the anniversary date. (Bartlett, Belk 6: Transportation)

**HB 151-FN**, establishing a special license plate program, including related fees. (S. Packard, Rock 29; Laughlin, Hills 41; Rubin, Rock 25; Turgeon, Hills 47: Transportation)

**HB 152-FN**, allowing the New Hampshire technical institute and technical colleges to apply for accreditation other than as a technical institute or technical college. (Larson, Graf 8; Durham, Hills 22: Education)

**HB 153-FN**, adding the Orford-Fairlee bridge over the Connecticut River to the 10-year transportation plan. (Teschner, Graf 5; LaMott, Graf 5; Gordon, Dist 2: Public Works and Highways)

**HB 154-FN**, relative to driver license application searches and establishing a fee. (Turgeon, Hills 47: Transportation)

**HB 155**, exempting landing areas of certain privately owned airports from property taxation. (Weyler, Rock 18; D. Richards; Rock 23; Wasson, Straf 10: Municipal and County Government)

**HB 156-A**, relative to refinancing the cost and rehabilitation of the Cheshire Bridge. (Lindblade, Sull 7; Cloutier, Sull 8; Flint, Sull 4; Hunt, Ches 10; McGuirk, Ches 1: Public Works and Highways)

**HB 157**, establishing a committee to study the cost of the rabies vaccine for human beings and other issues relative to rabies. (Lockwood, Merr 9: Environment and Agriculture)

**HB 158**, prohibiting late payment fees on consumer installment credit payments. (Hemon, Straf 11: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 159-FN**, establishing a one-day justice of the peace certificate and certificate fee. (Fenton, Hills 24; L. Jean, Hills 17; Hunter, Hills 7: Judiciary and Family Law)

**HB 160-L**, relative to the definition of "good cause" for the purpose of property tax abatements. (Fenton, Hills 24; L. Jean, Hills 17; Hunter, Hills 7: Municipal and County Government)

**HB 161**, permitting residents at the Hillsborough county nursing home to fish without a license. (Milligan, Hills 18; R. Kelley, Hills 18; L'Heureux, Hills 18; Brundige, Hills 18; Roberge, Dist 9: Wildlife and Marine Resources)

**HB 162-L**, relative to the rate setting duties of the department of revenue administration. (R. Dodge, Rock 4: Municipal and County Government)

**HB 163-FN-L**, allowing districts not maintaining a high school to limit the amount of tuition paid for resident pupils. (Stone, Rock 7; Gorman, Rock 8; Lovejoy, Dist 6: Education)

**HB 164-FN**, exempting certain vehicles from the emissions inspection and maintenance program. (A. Merrill, Straf 8: Science, Technology and Energy)

**HB 165**, relative to the public use of shorelands. (Dickinson, Carr 2; Kirby, Hills 24: Resources, Recreation and Development)

**HB 166**, relative to vehicles impeding the flow of traffic. (Loder, Straf 8; Robertson, Ches 18: Transportation)

**HB 167**, relative to appointing the members of the ballot law commission. (Arnold, Hills 20; L. Jean, Hills 17; Kingsbury, Ches 16: Executive Departments and Administration)

**HB 168-FN-A**, authorizing the department of fish and game to acquire land on Squam Lake for the purpose of providing public access and making an appropriation therefor. (Laflam, Belk 2: Resources, Recreation and Development)

**HB 169**, relative to medical records and the fee for retrieving medical record copies. (Emerton, Hills 7: Health, Human Services and Elderly Affairs)

**HB 170**, relative to resuscitation under a living will or a durable power of attorney for health care. (Senter, Rock 16; K. Wheeler, Straf 8; Wall, Straf 9: Judiciary and Family Law)

**HB 171**, relative to possession of scanners when committing a crime. (Senter, Rock 16; Bartlett, Belk 6; Wall, Straf 9; Russman, Dist 19: Corrections and Criminal Justice)

**HB 172-L**, relative to the property tax exempt status of agricultural fairgrounds. (Wendelboe, Belk 2; Laflam, Belk 2: Municipal and County Government)

**HB 173-FN**, relative to notification for court ordered out-of-district placement for delinquent children. (V. Clark, Rock 17: Judiciary and Family Law)

**HB 174-FN**, authorizing a certain temporary nonresident fishing license and setting the license fee. (Christie, Rock 22: Wildlife and Marine Resources)

**HB 175-FN**, limiting apportionment for capital and operating expenses to average daily membership, equalized valuation, or a combination of the 2, unless determined otherwise by majority vote. (Jacobson, Merr 2: Education)

**HB 176**, relative to the disciplinary, investigative, and subpoena powers of the board of chiropractic examiners and authorizing the board to impose civil penalties. (Dowd, Rock 13; Dyer, Hills 8: Executive Departments and Administration)

**HB 177**, relative to zoning requirements for family day care homes. (Behrens, Sull 2: Municipal and County Government)

**HB 178-FN**, allowing persons to purchase protective insurance against the cost of a search and rescue. (Laughlin, Hills 41: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 179-FN-A**, relative to the reconstruction of the railroad overpass on NH route 135 near the John's River in the town of Dalton and making an appropriation therefor. (W. McCarty, Hills 38; G. Chandler, Carr 1; Horton, Coos 3; Eaton, Graf 1; F. King, Dist 1: Public Works and Highways)

**HB 180-FN**, permitting the use of certain snares, which shall be subject to the same terms and conditions as other traps. (McGuirk, Ches 1: Wildlife and Marine Resources)

**HB 181-FN**, relative to the fuel oil discharge fund. (Behrens, Sull 2: Environment and Agriculture)

**HB 182-FN**, relative to inspection of buildings for indoor air quality. (Chabot, Hills 48; Copenhaver, Graf 10; Lee, Rock 13; Ziegra, Belk 5; Gordon, Dist 2; J. King, Dist 18: Health, Human Services and Elderly Affairs)

**HB 183-FN**, repealing 1991, 152 relative to funding the Women's War Memorial. (D. Welch, Rock 18; Fields, Hills 18; Fenton, Hills 24: Public Protection and Veterans Affairs)

**HB 184-FN**, requiring the department of transportation to install traffic control lights at the intersection of New Hampshire routes 108 and 85. (Coes, Rock 19; Cohen, Dist 24: Public Works and Highways)

**HB 185**, transferring the Christa McAuliffe planetarium commission to the department of postsecondary technical education, and repealing certain rulemaking provisions. (Sallada, Hills 4; Barnes, Dist 17: Executive Departments and Administration)

**HB 186**, prohibiting a person whose driver's license has been suspended or revoked for reckless driving or driving while under the influence of alcohol or drugs, from operating a motorized vessel. (Syracusa, Rock 33; Vaughn, Rock 35; Bartlett, Belk 6; Cohen, Dist 24; Shaheen, Dist 21: Transportation)

**HB 187**, permitting one-party consent recording of communications under certain circumstances by presumed victims of criminal offenses, abuse or sexual harassment. (D. Sytek, Rock 26; Johnson, Dist 3; Shaheen, Dist 21: Corrections and Criminal Justice)

**HB 188**, establishing a study committee concerning disclosure requirements for bonds issued by political subdivisions. (Hess, Merr 11; B. Packard, Hills 19; Currier, Dist 7: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 189**, providing that a parent or household member who commits a criminal assault on a parent of a minor in the presence of the minor has endangered the welfare of such child. (J. Brown, Straf 17; I. Pratt, Ches 5; Hallyburton, Hills 12; Crosby, Merr 20; Shaheen, Dist 21: Corrections and Criminal Justice)

**HB 190**, making luring a minor a crime. (J. Brown, Straf 17; Shaheen, Dist 21: Corrections and Criminal Justice)

**HB 191-L**, requiring a cooperative school district to base a certain minimum of its capital outlay costs on a town's valuation. (Avery, Ches 8; Burnham, Ches 8: Education)

**HB 192**, relative to certification of assessments against public utilities by the public utilities commission. (C. Brown, Graf 14: Science, Technology and Energy)

**HB 194**, relative to the equipment required on all terrain vehicles. (Royce, Ches 9; Pfaff, Merr 11; E. Smith, Ches 6; Currier, Dist 7: Transportation)

**HB 195**, authorizing the department of safety to impose administrative fines on certain safety inspection stations. (Malcolm, Rock 22; K. Pratt, Rock 22; J. Kelley, Rock 22: Executive Departments and Administration)

**HB 196-L**, permitting municipalities and counties to establish reserve funds for non-capital purposes and eliminating the necessity for municipalities to distinguish between capital reserve funds and publicly funded trust funds. (Stone, Rock 7; Hansen, Hills 2; R. Wheeler, Hills 7; Barnes, Dist 17: Municipal and County Government)

**HB 197**, establishing a committee to study the water sources on the seacoast. (Malcolm, Rock 22: Resources, Recreation and Development)

**HB 198-L**, relative to school district participation in capital improvement programs. (Ferguson, Hills 13; Pignatelli, Dist 13: Municipal and County Government)

**HB 199**, relative to telephone solicitation. (Coughlin, Merr 16: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 200-L**, relative to the application and eligibility for bridge aid. (G. Chandler, Carr 1; R. Wheeler, Hills 7; E. Smith, Ches 6: Public Works and Highways)

**HB 201**, relative to the voting procedure at primary elections for registered members of political parties. (Flanagan, Rock 14: Constitutional and Statutory Revision)

**HB 202**, relative to minimum capital requirements for savings banks and trust companies. (Lindblade, Sull 7; Fraser, Dist 4: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 203**, relative to trust company commencement of business. (Lindblade, Sull 7; Fraser, Dist 4: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 204**, exempting hospitals licensed by the state from certain provisions of the New Hampshire pharmacists and pharmacies statutes. (D. Sytek, Rock 26; Delahunty, Dist 22: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 205-L**, relative to university of New Hampshire cooperative extension programs. (Schotanus, Sull 3; Royce, Ches 9; Larson, Graf 8; Shaheen, Dist 21; Russman, Dist 19: Education)

**HB 206-L**, allowing local school districts to implement dress codes and uniform requirements. (Vaughn, Rock 35; Syracuse, Rock 33: Education)

**HB 207**, requiring the department of fish and game to obtain approval from the public boat access advisory board before any funds are spent for acquisitions or improvements. (Merritt, Straf 8; Dickinson, Carr 2; Whalley, Merr 5: Resources, Recreation and Development)

**HB 208**, permitting municipalities and nonprofit organizations to erect temporary advertising devices promoting events. (Ham, Graf 4: Public Works and Highways)

**HB 209-L**, requiring that warrant articles on planning and zoning issues use common landmarks and street names for setting boundaries and relative to posting the town map. (Fenton, Hills 24; Hunter, Hills 7; Emerton, Hills 7; Feng, Hills 23; A. Smith, Rock 26: Municipal and County Government)

**HB 210**, establishing a study committee to review options for promoting economic development through the timely remediation of non-superfund sites. (Burnham, Ches 8; Musler, Straf 6: Environment and Agriculture)

**HB 211-L**, changing the school foundation aid distribution formula. (Larson, Graf 8 Education)

**HB 212**, relative to children's firearm safety. (Hambrick, Straf 7; Laughlin, Hills 41: Public Protection and Veterans Affairs)

**HB 213**, relative to license surrender by lenders regulated by the banking department. (Lindblade, Sull 7; Fraser, Dist 4: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 214**, relative to banking department examinations of first and second mortgage loan licensees. (Lindblade, Sull 7; Fraser, Dist 4: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 215**, relative to fees charged by mortgage lenders and brokers, requirements for disclosures by mortgage lenders, and an exemption from first mortgage lender licensing requirements. (B. Packard, Hills 19; Fraser, Dist 4: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 216**, requiring sales finance companies to file annual reports with the bank commissioner. (B. Packard, Hills 19; Fraser, Dist 4: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 217**, relative to the profession of engineering. (Boucher, Rock 29: Executive Departments and Administration)

**HB 218-FN**, authorizing the department of environmental services, division of water resources, to acquire Hawkins Pond dam in Centre Harbor. (D. Lawton, Belk 1: Resources, Recreation and Development)

**HB 219**, authorizing professional engineers to prepare mortgage loan inspection reports. (McCann, Straf 11; Buckley, Hills 44; Gordon, Dist 2: Executive Departments and Administration)

**HB 220**, creating a committee to study the establishment of a New Hampshire volunteer program. (Lovett, Graf 6; Wollner, Ches 17; Crory, Graf 10; Gordon, Dist 2: Executive Departments and Administration)

**HB 221**, relative to administrative fines for violations of RSA 313-A, relative to barbering, cosmetology, and esthetics. (P. Wells, Hills 16: Executive Departments and Administration)

**HB 222**, relative to access to homes by manufactured housing park owners. (Lozeau, Hills 30; P. Katsakiores, Rock 13; P. Philbrook, Hills 30; Barnes, Dist 17: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 223**, relative to the losing party's payment of the prevailing party's costs in tort actions. (Dickinson, Carr 2; Whittemore, Merr 13; Howard, Carr 10: Judiciary and Family Law)

**HB 224**, prohibiting the construction of public access areas without preliminary approval of the public access advisory board. (Dickinson, Carr 2; Beach, Carr 7; Merritt, Straf 8: Resources, Recreation and Development)

**HB 225-L**, allowing local governing bodies to offer tax incentives to foster growth in new and existing business construction. (Steere, Ches 11; W. Williams, Graf 3: Municipal and County Government)

**HB 226**, clarifying the penalties for overloaded vehicles. (S. Packard, Rock 29: Executive Departments and Administration)

**HB 227-L**, requiring the commissioner of revenue administration to establish standards relating to finance and budget matters for municipalities. (C. Brown, Graf 14: Municipal and County Government)

**HB 228**, prohibiting a person from working at a polling place as an election officer if a member of the officer's immediate family is on the ballot. (Buckley, Hills 44; Hilliard, Straf 14: Constitutional and Statutory Revision)

**HB 229**, relative to ticket scalping. (Buckley, Hills 44; Newland, Merr 15; Cohen, Dist 24; Podles, Dist 16: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 230**, relative to the physical therapy practice act. (P. Wells, Hills 16; McGovern, Rock 35: Health, Human Services and Elderly Affairs)

**HB 231**, limiting liability of trappers for certain accidents involving domestic animals. (McGuirk, Ches 1: Wildlife and Marine Resources)

**HB 232**, changing the date of final written notification for teachers who are not being renominated or elected from March 31 to April 30. (R. Dodge, Rock 4: Education)

**HB 233**, relative to the state's tourism policy. (Ham, Graf 4; Avery, Ches 8; G. Chandler, Carr 1; Cohen, Dist 24: Resources, Recreation and Development)

**CACR 1**, relating to the governor's veto power. Providing that the governor shall have line item reduction and line item veto power of items in any bill making appropriations of money. (Dickinson, Carr 2; Moncrief, Hills 13; Whalley, Merr 5; Rice, Belk 7; Hill, Graf 1; Pepino, Hills 40; Wheeler, Dist 11: Constitutional and Statutory Revision)

**CACR 2**, relating to returning annual legislative sessions to biennial legislative sessions. Providing that the general court shall meet biennially. (Dickinson, Carr 2; Moncrief, Hills 13; Whittemore, Merr 13; Mock, Carr 3; Mittelman, Hills 37; Boutin, Hills 37; Wheeler, Dist 11: Constitutional and Statutory Revision)

**HJR 1**, reaffirming state sovereignty under the 10th Amendment to the United States Constitution. (Gorman, Rock 8; Jacobson, Merr 2; Welch, Rock 18; Pepino, Hills 40; Martin, Hills 34; Hallyburton, Hills 12; McClarin, Hills 33; Kennedy, Merr 7; Colantuono, Dist 14; Wheeler, Dist 11; Roberge, Dist 9; Rubens, Dist 5; Podles, Dist 16: State-Federal Relations)

**RESOLUTION**

Rep. David Scanlan offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and when the House adjourns today it be to meet Thursday, January 5, 1995 at 11:00 a.m.

Adopted.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 1:40 p.m.

**RECESS**

Rep. Cole moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 3

Thursday, January 5, 1995

The House assembled at 11:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

Almighty God, hear our prayers this day for the men and women throughout our land who serve these United States of America through her political institutions. We ask the fullness of Your blessing upon President Clinton and the members of Congress and pray Your guidance and strength for Governor Stephen Merrill and all of New Hampshire's representatives and senators. Inaugurate among all of our civic leaders a perfect thirst for Your sense of justice, a hunger for clarity of thought and honest speech, and the courage to rise above party interest or private opinion for the sake of the common good. All these prayers, O God, we ask in the confidence that You are closer to us than the breath which flows through our bodies, and that Your wisdom and strength are but a prayer away. Amen.

Rep. David Scanlan led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. David Cote, Dowling and Michelin, the day, illness.

Reps. Francoeur, Flint, Burke, Hart, Weeks, Mark Holt, Vaughn, Patricia Cote, Charles Cote, Grassie, Claudette Jean, Nordgren and Dunn, the day, important business.

Reps. Clemons and Hunt, the day, death in the family.

### INTRODUCTION OF GUESTS

Jean Chase, wife of Rep. Chase. Brenda Lindblade, wife of Rep. Lindblade. Bertha Hill and Ronald Yeager, guests of Rep. Senter. Mary Ann Foster, wife of Rep. Robert Foster. Nancy Kayman, guest of Rep. Holley. Joan Noyes, wife of Rep. Noyes.

### COMMUNICATION

January 5, 1995

Karen O. Wadsworth, House Clerk

This is to advise that the following representatives-elect were sworn into office by the Governor and Executive Council on this date:

Rockingham 20, Warren Henderson, r, Exeter (8 Heritage Way) 03833

Sullivan 6, Ronald S. Greenleaf, Jr., d&r, Charlestown (PO Box 994) 03603

Robert P. Ambrose, Deputy Secretary of State

### RESOLUTION

Reps. Ann Torr and Trombly offered the following:

RESOLVED, that the Honorable Senate be notified that the House of Representatives is ready to meet in Joint Convention for the purpose of hearing the report of the Joint Committee appointed to compare and count the votes for Governor and Executive Council, and for the Inauguration of the Governor, the Honorable Stephen E. Merrill, and for the taking of the oath by the Executive Council.

Adopted.

### SENATE MESSAGE

The Honorable Senate is ready to meet in Joint Convention for the purpose of hearing the report of the Joint Committee appointed to compare and count the votes for Governor and Executive Council, for the Inauguration of the Governor, the Honorable Stephen E. Merrill, and for the taking of the oath by the Executive Council.

### JOINT CONVENTION

(Speaker Burns Presiding)

### INTRODUCTION AND SEATING OF SPECIAL GUESTS

The Sergeant-at-Arms introduced the following who were escorted to their seats by the Governor's Military Staff: Mr. and Mrs. Ian Walker; Mr. and Mrs. John Stabile; Richard Flynn,

Commissioner of Public Safety; Virginia Beecher, Director of Motor Vehicles; Miss Pauline Greer; Mr. John Broderick and Mark Dean; Major General Lloyd M. Price, former Adjutant General and the family and friends of the Merrill and Walker families. Hon. Joseph DiClerico, Jr., Chief Justice of the U.S. District Court; Associate District Court Justices and their guests; Hon. John R. Maher, Administrative Judge of the Probate Court and Mrs. Maher. Hon. Edwin W. Kelly, Administrative Judge of the District Court and Mrs. Kelly. Hon. Joseph P. Nadeau, Chief Justice of the Superior Court and Mrs. Nadeau. The Associate Justices of the Superior Court and their guests. The Hon. David Brock, Chief Justice of the Supreme Court and Mrs. Brock. The Associate Justices of the Supreme Court and their guests. Former Governor Hugh Gregg and Mrs. Gregg. Former Governor Walter Peterson. Former Governor Meldrim Thomson, Jr. and Mrs. Thomson. Former Governor John Sununu and Mrs. Sununu. Congressman Charles Bass. Former Congressman Charles Douglas and Mrs. Douglas. Outgoing Councilor Robert Hayes and Mrs. Hayes. Guests of the Councilors-elect. Eleanor Burns, wife of the Speaker of the House. Gail Delahunty, wife of the President of the Senate. Jeffrey Howard, Attorney General, and Mrs. Howard. Georgie A. Thomas, State Treasurer. Robert P. Ambrose, Deputy Secretary of State, and Mrs. Ambrose. The House Leadership; the Reverend Clergy; the Honorable Senate; Senate President, Joseph L. Delahunty; the Council-elect; Hon. Stephen E. Merrill and Mrs. Merrill.

### REPORT

Sens. Blaisdell and Podles and Reps. Healy, Boucher and LaMott offered the following report:

The Joint Committee appointed to compare and count the votes for Governor and Executive Council reports that it has attended to its duties, and the vote is correct.

The New Hampshire National Guard posted the Colors.

### INVOCATION

The Invocation was offered by the Most Reverend Leo O'Neil, Bishop of Manchester.

We the people of the State of New Hampshire gather here before you, O Lord, as we entrust the affairs of our state to these elected men and women. Patriots in our history have always believed that the proper governance of state must always be in concert with Your providence. Bless these men and women with humility that empowers them to ask for Your help and Your guidance. Patriots sustained by Your amazing grace bravely forged a nation diverse and often divided. Give our legislators courage to go beyond faults, electoral or opinion, to grasp values and principles that truly set the human person free. Patriots in our country have suffered personal loss for the common good. Grant integrity to the executive, judicial and legislative voices of we the people so that our state is indebted to no one and we the people have clear conscience before Your tribunal. So, we the people of New Hampshire stand before You asking Your blessing on the collective task we undertake for the well being of all. This gathered assembly meets to do our work. We pray it may be Yours as well. Gracious God, make Stephen, our Governor, like unto his patron, a servant witness. May he continue to minister in his journeying throughout the state to his people in their good times and in their bad. Heather, echo sounds of spring flowers billowing on Scottish hills, may she be a shy, protective grace for her husband, refreshing him with gentle wisdom. Ian means beloved of God. May his father, day in and day out, bestow that same blessing on him. Loving God, we the people of the state of New Hampshire begin again to attend the needs of our people. May those who judge, govern, legislate and may we the people always be attentive to Your voice, even the poorest and the most defenseless among us. Then we will be certain that we will hear Your voice as well and be victorious New England patriots. Amen.

### OATH OF OFFICE

Chief Justice David Brock administered the oath of office to Governor Stephen E. Merrill.

### PRAYER

A prayer for peace and thanksgiving was offered by the Reverend David Robinson, Rector of the Grace Episcopal Church in Manchester.

Almighty God, our Creator, source of life and of light, we give You thanks for this day and for the opportunities it brings. We commend our nation and the state of New Hampshire to Your

merciful care. Grant us that in Your light we may see light. Give Your light to all who have been elected to positions of authority. From time to time, and in various places in human history, You have called forth leaders of wisdom and compassion. We pray today Your blessing and creative inspiration for the Governor of this state, the executive councilors, the general court, the judges and magistrates and for all who bear the privileges and responsibilities of office in New Hampshire. We pray that Your grace and light may be given to Stephen, our Governor. Protect and strengthen his wife Heather and their son Ian. Give to the Governor the wisdom and strength to know and to do Your will. May he be ever mindful of his call to serve his people in Your sphere. May each citizen of this state grow in the responsible use of the freedom and privileges we so richly enjoy. Increase in us our reverence before the mystery of life. Give us new insight into Your purposes for the human race, a new wisdom and determination in making provision for the common good as is Your will for all Your children. By Your mercy grant that we may live in peace and harmony. Prosper the works of our hands and minds. May we live to see peace for our children and our children's children. May we learn in all things to give You thanks. Amen.

### OATH OF OFFICE

Governor Merrill administered the oath of office to the Honorable Councilors-elect, Raymond S. Burton, Peter J. Spaulding, Ruth L. Griffin, Earl A. Rinker, III and Bernard A. Streeter, Jr.

Pamela Butterick led the singing of "God Bless America."

### INAUGURAL ADDRESS

Mr. Speaker, Mr. President, members of the General Court, distinguished guests and my fellow citizens:

I come here today to take the oath of office and to serve the next two years as your Governor. I accept this office as the greatest honor a public servant in New Hampshire can hold. I am proud of our state and I am proud to be your Governor. I hope that you are proud of all that we have accomplished together.

No man or woman assumes this position without the enormous help of others. Friends, some of whom have travelled many miles; other friends who have stood with me for life. Supporters, you have been here today just as you have been with us in the past. Our family, always wonderful and always supportive. Heather's grandmother, aged 87, has travelled here today to be with us from Rhode Island. Heather and I know that we would not be here if it were not for so many of you. And I certainly would not be here if it was not for Heather. She lives a remarkably busy life and she works hard as First Lady. In the past year, she was honored as Citizen of the Year by the March of Dimes, and nationally recognized by the American Cancer Society. We work together to make New Hampshire a better place, just like so many of you do.

In the early years of this decade, New Hampshire experienced the most prolonged and severe recession since World War II. And yet, New Hampshire's form of government did not bend to conform to the cry of those who lamented, "It is time to pass a new tax and all will be well." Our state kept true, even in tough times, to the will of our people, and rejected the short-sighted call for a broad-based tax. We now benefit from that wisdom.

Economic forecasters and Wall Street bond houses agree that New Hampshire's economic recovery has been dynamic. As your Governor, I can assure you that the credit is yours, not mine.

On this day throughout our nation many Governors are being sworn in, standing before their Legislatures, and setting courses for their people to follow. Unlike those states, New Hampshire holds a special place in the destiny of the nation and in choosing our nation's political leadership. It was just last evening on national television that the United States Senate majority leader Bob Dole was asked to comment on the national government and the states, how they were solving problems, how they were dealing with issues. Were they fiscally responsible? One line from his answer tells it all. He said, "New Hampshire is a decade ahead of the rest of the nation." As your Governor, I certainly don't want to brag, but, Senator Dole, that is on a bad day.

In the days ahead, the eyes of this nation will turn to this State to observe as our President comes here, and as those who want to be President come here to campaign among us, to tell us their agendas for the future and to seek our votes.

Much has been written about the New Hampshire Presidential primary and the significance of this State in speaking with a clear voice concerning the nation's next President. What is so



special about New Hampshire? First, this is the State where the Legislature remains of the people it serves. We expect public officials to improve not their own stations in life but rather, as it should be, the stations of life for all citizens of this State.

New Hampshire also has an Executive Council which conducts its business publicly and makes certain that the voices of our citizens are heard on hundreds of diverse issues. Neither the size of the issue, nor the size of the proponent of the issue, deters the Executive Council from asking the tough questions and getting the people's will accomplished. Perhaps that is why Barbara Anderson, the President of the Massachusetts Citizens for Limited Taxation, recently stated, "I want a Commonwealth like New Hampshire — one that works for the people, not the politicians."

As we prepare for the next century, we have reason to be optimistic about the future of New Hampshire. While you might expect the Governor to feel positive about our State's competitive advantage, it is reassuring to hear from experts who independently analyze economic progress in the states. I will read three quotes: "New Hampshire is proving its resilience by leading all Northeastern States in job creation;" and, "We still believe New Hampshire's economy enjoys a competitive advantage over others because of its well-educated work force and low state-tax environment;" finally, "New Hampshire ranked first in the nation in the creation of new jobs according to the U.S. Department of Labor."

We have been designated the healthiest State in the nation, a fact that acknowledges the benefits and health incentives provided by the small businesses that make up the backbone of this State. We were one of three states to win the Gold and Green Award. To win it you must not only have a robust economy, you must also have environmental quality just as robust. We are one of three states to win. Our unemployment rate has gone from 8.1 percent to 3.9 percent, an indication that our economic recovery will be sustained over time and not a mere statistical abstraction.

Those who come to visit our State in the months ahead will ask, "How have you done it?" The answer is clear. As your ancestors before you who came to this State to farm our fields, and to cut timber from our forests, and to work in the manufacturing and textile mills along our rivers, you have refused to accept discouragement but instead insisted on creating a new and a brighter day for yourselves and the next generation. Our people and our State cannot be understood without recognizing the cornerstone of the successful New Hampshire tradition: our low taxation and our belief in local government.

The New York Times recently noted, "New Hampshire has lived up to its reputation as a refuge for the tax-weary, with the lowest overall tax bite in the nation. It collected fewer tax dollars per capita and less in taxes per \$1,000 of personal income than any other state." This remains important since other New England States continue to hold their positions as highest in the nation for income tax charged per person. A Bay State publication accurately captured New Hampshire when it wrote, "The Granite State understands low taxes are crucial to job creation" and that "Granite State residents want to call the shots in their own communities instead of turning over power to the State House." Another Bay State publication ended an editorial last Friday with this paragraph, "But in New Hampshire, officials seem determined to roll up their sleeves and get the job done and in the world of politics where evading responsibility is often the first response to problems that is something worth applauding."

But that's not all. Our State was named first in the nation in its treatment of children and first in the nation in its treatment of the elderly. Our students not only excel in the traditional scholastic aptitude tests, but also in the latest tests created by the National Assessment Governing Board and the National Assessment of Educational Progress.

For the record, I have no quarrel with those who, despite our accomplishments, honestly conclude that New Hampshire should develop new ways to deal with issues in our State. My quarrel with those critics is that progress to them always means a new tax or a new spending program or a new government bureaucracy. My friends, if that were true, Washington, DC would be a paragon of virtue instead of a place that is a good example of what happens when elected officials forget what the people voted for them for.

Every day, this building is the scene of a struggle between people who want to tax and spend our money and people who want to preserve our traditions and build for a better future. Therefore, let me make it clear. Our system has proven over time to be sound and I have no intention

of abandoning it and I will veto any broad-based income tax or sales tax that comes across my desk. Does it matter that New Hampshire once again has the lowest cumulative taxes of any state in the country? You are darn right it matters. As Bishop O'Neil suggested in his prayer, it is New Hampshire that has never forgotten Thomas Jefferson's great truth that government derives its just powers from the consent of the governed. That means that however important what is happening in this building may seem, what is happening outside this building is far more important. Our power to govern is derived from our people and the sooner Washington recognizes that Jeffersonian principle, the better off this nation will be.

That is why I ask the New Hampshire Legislature to immediately join with me in pursuing issues of importance to our citizens such as Congressional term limits, biennial sessions of this Legislature, the option of the open ballot for communities that choose it, and education reform.

Educating New Hampshire school children is accomplished by state government working closely with, and for, local communities — not the other way around. It is a model that works and a duty we have met. But we must continue to strive for excellence. As we do so, as we change our educational system, as we deal with kindergarten as we should, as we deal with revisions of the Augenblick formula as we should, let's keep two principles absolutely clear. These should dominate anything we do on education. First, whatever changes we make in this system, student academic performance should go up and not down. Secondly, as we change our educational system we should decentralize the educational bureaucracy and not grow it larger in an age of technology when there is no excuse for doing so.

It is fitting that Presidential candidates should come here to seek the votes of New Hampshire men and women who not only believe in town meetings, but who attend them on a regular basis; who participate on school boards and planning boards and countless other civic enterprises dedicated to the public good, and for which they receive little or no remuneration.

But if the eyes of the nation are truly turning to New Hampshire, what is the essence and the nature of the State of New Hampshire they will find?

They will find a State unimpressed with the icon of big government, unimpressed with the tired rhetoric that bigger government means better government. Our citizens know that all too often the opposite is true.

Government, in some limited manner, should be able to assist its citizens in reaching their goals, and should protect law-abiding men and women in their tireless struggles to do so. But it should never impose unnecessary barriers to their industry and achievement through unworkable laws, burdensome regulations or arbitrary administrative rules. New Hampshire can never forget that government should let the private sector thrive, not develop intricate reasons to explain why the public good cannot be accomplished.

That is precisely why we have embarked on a state-wide program to instill total quality management into every level of state government. It is our commitment to run government, whenever possible, like a business. And where we are told it is not possible to run government like a business, to dare to ask why not?

From the newest State employee to the highest ranking Department head we are looking for ways to avoid waste, and to change the way we think about customer satisfaction in our agencies.

It is unacceptable for government to simply take taxpayers' money, make promises, and then hope that the public will not remember. The citizens of New Hampshire expect us to keep pace with them and to do business differently as needs change. They are tired of a national government philosophy that raises taxes to maintain a bureaucracy built for the New Deal and not for the new century.

And a special word to those who won on election day, especially those men and women who have never served here before. Some people in this State are wondering how quickly you will abandon the principles on which you were elected. Please do not abandon those principles, keep your commitment to the voters and let them help us create an even better New Hampshire. Citizens across this land want us to change the course of American government. They do not want to remember us as simply having been fortunate enough to get elected.

You may be interested to know that once again this year our federal government spent less money on New Hampshire residents than it did on any other state. That is why those who criticize the flow of Medicaid dollars into New Hampshire continue to amuse me. New Hampshire not only sends more money to the federal government each year than it receives, it also sends

more money to the federal government on the Medicaid program itself than it receives in Medicaid funds. If a letter of apology is in order, I can assure you it will be postmarked in Washington, DC and not in Concord, New Hampshire.

But that leads to another consideration. Should government spend all available revenues on a bureaucracy built to satisfy the desire of individual legislators or powerful constituency groups or a Governor? No, the private sector of the American economy recognizes that smaller is often better. It is downsizing and reshaping its structure and its manner of doing business, yet there remains an abiding belief by some that government should stay large in the lean years to help jump-start a sluggish economy and stay large in the good years to meet the needs of a growing economy. That makes no sense.

I reject that belief, and call upon the Legislature and our Departments to work with me to redesign state government spending to reflect what is actually happening, not what used to happen, and not what might happen in the future.

One of the lessons of the recent national election is that citizens are not so much interested in re-inventing government as in de-inventing government. That means they do not want new words to the same old song. They want a different government, more efficient and more reflective of their own families and their own businesses. They have lost faith in Washington's ability to act responsibly, and not without reason. Every government program and every government agency ought to be able to prove its worth in today's competitive environment. To do less is to take taxpayer money under false pretenses.

In contrast, the people of New Hampshire demanded results from us, not self-serving political posturing. And results are what they got.

It should be a source of pride to New Hampshire and a source of embarrassment to the Congress that, while Washington talked about workers' compensation reform and did little, New Hampshire accomplished much. While Washington talked about health care reform and did nothing, New Hampshire accomplished much. And while Washington talked about welfare reform and did nothing, New Hampshire accomplished much. Perhaps there is a new Washington, DC. The people of New Hampshire will wait and see.

Now is the time to build upon the New Hampshire advantage: low taxes, business and people-friendly government, dedicated state employees and a desire to keep decisions at the local level where people, not bureaucrats, have the most say. Our success over the last two years has been guided by our truly unique approach to governing, putting people first. This principle of governing is our tradition and it is our measuring stick for what remains to be done.

Businesses in states around us languish in the fear of higher workers' compensation rates, a clear motivating force to move their companies to another place. In contrast, New Hampshire's workers' compensation plan has cut premiums by \$20 million, with reductions of 20 percent for most businesses and reductions of up to 30 percent for companies in the assigned risk pool who have begun a safety program. Clearly, New Hampshire means business when it comes to workers' compensation reform.

And then the State tackled health care reform. We made substantial progress. We streamlined regulation and red tape and we even set aside \$100 million to meet the changing needs of health care in the years ahead. As a result, the New Hampshire health care plan has been discussed in Congressional committees as a model the nation should consider.

In the area of welfare reform, I vetoed legislation to merely extend benefits without assisting recipients in their efforts to get off welfare. Then I established the working group on welfare, called the Welfare Council, where job training, unemployment and education experts are redesigning the system to empower people to help themselves and their families.

Regarding our welfare system, even if the federal government fulfills its obligations and pays its portion of the programs it has created by statute, the question remains whether or not we can perform the same service in a more effective way. The time has come to begin the challenge of restoring full and meaningful citizenship to those who have not only been caught in our ever-increasing social service safety net, but are now trapped in it. Even human service experts will concede that, as a nation, we may have unintentionally discouraged individual effort by some of our entitlement programs.

We must now work to retire the old welfare state and instead provide incentives to those who are able to take their places as fully productive members of our society. Our desire to redesign

this system does not grow from lack of compassion but, on the contrary, from a desire to treat all citizens with dignity and to have all our citizens be productive. Any government programs that create a mind set of dependency must be replaced with ones creating opportunity and self-sufficiency.

On Election Day, 1994, there was a thunderclap of anger from the people of this nation to elected officials who have failed to listen and to deal forthrightly on the major issues of our day. You'll notice that my criticism of Washington was not partisan, it was bi-partisan. No election in modern times has sent a sharper message to office-holders concerning the people's desire to reshape the form of government, and the fact that they expect elected officials at all levels to keep their commitments to the taxpayers they serve.

This recent election did not signal the decline and fall of particular candidates, but the decline and fall of a mind set, a political process that has dominated American life for the last 60 years. It is the end of an era where America looked to government to solve problems, regulate business, and constantly intrude upon the lives of its citizens — and all paid for by increased taxation. This will be the decade nationally where we get down to business on taxation, regulation and litigation. Let New Hampshire be in the fight.

We now look to a time in America where long-neglected principles will once again be taken seriously. Concepts such as honoring the work ethic, applauding the spirit of entrepreneurship, rewarding individual achievement, and recognizing the importance of the role of the family. In a nation where government jobs outnumber manufacturing jobs, where the work ethic is openly ridiculed by our nation's intellectual elite, where violence threatens to disrupt not only our city streets but our playgrounds and classrooms as well, and where more and more groups in our society demand not to be given the opportunity to succeed but the fruits of success without its required toil, Americans have come to realize that a fundamental change is required. The citizens of New Hampshire have known that for some time.

But those who come to visit our State should know that we do not blame the failures or shortcomings in our lives on something or someone else. We do not ask government to heal all our ills. We do not condemn society and then demand that government do something about it. We get to work and we get it done, together.

There is a culture here in New Hampshire that defines us. We believe that families and neighborhoods and schools, synagogues and churches are mediating institutions that pass on values to improve the quality of life for our citizens, that permit us to live and work well together and that help us thrive as a State. That is why United States Senator Daniel Patrick Moynihan concluded, "Culture has much more to do with the success of a society than does politics."

New Hampshire citizens continue to believe that society has the right to expect standards of behavior and achievement from our young people in school and from our adults in the work place. Standards that must be met or exceeded to assure safety on our streets and in our neighborhoods, bright and interested students in our classrooms, and thriving business opportunities throughout our State.

One writer has captured us this way: "While forces of politics, economics and popular culture, of migration and immigration lead various states and entire regions to redefine themselves, New England's image as a region with a common identity remains rock solid."

We who live in New Hampshire do not search the popular culture for a definition, wondering who we are or in which direction we should go. We already know — and we have known for more than 200 years.

It was in that spirit that I led the first trade mission to the nearby Canadian Province of Quebec. The results of that mission are still being felt here. Our exports to Canada are up 41 percent and more than 40 Canadian companies have now formalized relationships with New Hampshire businesses. Even more will do so in the months ahead. We are proud to be a good neighbor across the border, and pleased that the front page of one of the Province's leading newspapers called New Hampshire "a tax haven." Another story read, "New Hampshire: The last bastion of capitalism in America." Our State can compete nationally and internationally in commerce, education, and technology.

Our Small Business Roundtables have been a great success, giving the men and women of New Hampshire a chance to speak informally with the Governor and major department heads. We learn what is working well and find out what needs to be improved. Our first Small Busi-

ness Roundtable in 1993 was held in Plymouth, on the campus of Plymouth State College. I am proud to announce that we will return to Plymouth State College to initiate a new series of Small Business Roundtables. The advice and the ideas of the New Hampshire people will continue to be an important part of this administration. I want to publicly thank the men and women throughout this State who have participated in these business roundtables. Business men and women and concerned citizens alike have made a difference in the way we have operated. We went to our first business roundtable intending to lead with a health care plan. We found out from you that workers' compensation reform came first. That is why we put workers' compensation reform first and then we worked on our health care plan.

And so we look ahead and ask the difficult questions necessary to make progress: How to resolve the education lawsuit without merely creating a new one? How to keep young people from violent and self-destructive acts? And how to deal with a social service system that, even in New Hampshire, demands one out of every two taxpayer dollars? There is a great and pressing need to answer those questions for those of us working on this biennial budget.

So the tasks that lie ahead are serious ones. But upon reflection they are no more serious than the tasks that we have already accomplished as a State. In fact, our New Hampshire form of participatory democracy proves that what the founding fathers began, this generation of New Hampshire citizens has continued. Just consider what the president of the national organization that awarded New Hampshire "The Most Livable State" in the nation said when he announced the winner: "New Hampshire certainly is not perfect, but it comes closer than 49 other states." That endorsement of the New Hampshire advantage should give all of us the courage to complete the tasks that lie ahead.

Now if you will permit me, I'd like to close on a personal note. So many of you have asked me, "what is the most memorable moment for you in the last two years?" Obviously, the birth of our son Ian is one. Standing before you and taking the first oath of office was another.

Ian Merrill: There's Daddy.

Governor Merrill: But let me hurry and tell you that the most wonderful moment for me was the night after the primary. Heather was sleeping soundly. We had won, but I was nervous because I had the general election ahead. The house was dark. Everything was quiet. At ten-past-three, my son moved in his bed. He started to rustle around and I woke up. Just as I was about to get up and go into the next room, I realized he was sound asleep and in a very happy voice he said, "Daddy." Then there were a few seconds of silence and again he said,

Ian Merrill: Daddy.

Governor Merrill: There will be no living with him now. I realized that where ever my son was, sound asleep, that he and I were together. From the sound of his voice he was having fun. That was a fabulous moment for me. Looking back 25 years from now this will be a great moment as well. Because as my son acknowledges his grandfather, for whom he is named, and who taught him to do that...

Ian Merrill: Yea!

Governor Merrill: I need to tell you that this particular attitude will soon change because Heather and I are expecting another baby in August. Let me just say this: Thank you New Hampshire. Thank you for all you've done for me and my family.

God Bless America and God Bless the State of New Hampshire.

### PRAYER

A Prayer for a successful administration was offered by Father Peter Chamberas, Dean of the St. George Greek Orthodox Cathedral in Manchester.

In the name of the Father, the Son and the Holy Spirit, let us pray. Heavenly Father, we invoke Your holy name to humbly ask for Your favor and blessings upon Your faithful servant, Stephen Merrill, who today again assumes the heavy burden of responsibility to be Governor of this state of New Hampshire. Lord Jesus, bless him and his family with the gift of love and harmony at home so that the first family of this state may be truly an inspiration, an example and support for all families of New Hampshire. For it is in Your divine plan of salvation that the family be the basic building block of any society. Provide for him the health and the energy to apply himself truly to the many diverse issues of the day that are complex and unresolved. As a man of faith who has placed his ultimate trust in You Lord, grant him the gift of wise perseverance to keep steadfastly on a course that is straight and true. Grant him the grace and the

courage to think and to speak and to do that which will serve the people of this state well but will also bring glory and recognition to Your holy name. So strengthen his loyalty to You, O God, that he may now and always choose Your will as his will and Your way as his way and Your peace as his peace. Fire his mind with a vision of a more Godly society where justice and opportunity, mutual trust and brotherhood shall reign according to Your will. Give him the power to eradicate social evils and to redress social wrongs. Help him to be accountable for the proper use and execution of all the powers and privileges of his high office. Finally, we pray fervently that Your faithful servant, Governor Stephen Merrill, may be empowered to maintain a vision, a clear and true vision, without those elements that would betray or distort the more Godly vision of the American nation, a nation under God, indivisible with liberty and justice for all. These blessings for Your servant, Stephen Merrill, Governor of the State of New Hampshire, we humbly ask from You Lord, the one true holy eternal God in Trinity and to You we ascribe all glory, honor and worship. To the Father, the Son and the Holy Spirit now and always. Amen.

"Potluck at the Wilmot Flat Baptist Church" was recited by Judy Elliott of Salisbury.

### **BENEDICTION**

Rabbi Richard Polirer of the Temple Israel in Manchester offered the Benediction.

When we look for words of inspiration we always turn to the Psalmist. The Psalmist probably would have smiled at the Governor's speech this morning and would have said, "Behold, how pleasant it is to see families dwelling together here in the State of New Hampshire." But he also wrote these words, "Tender is a parent with children, so is God merciful to those who hold God in awe and in reverence." This noon we have gathered in our traditional inaugural ceremony celebrating not only the achievement, the hopes, aspirations and visions of our beloved Governor, Stephen E. Merrill, as he begins his second term as Chief Executive of our state of New Hampshire. For as we came here this day to celebrate and exult and as we prepare now to move forward to the sacred task of providing government by, for and of the people, we have also come to seek inspiration, guidance and fortitude from the One who created us all in the image of the Divine. As that Psalmist has adjured, we do indeed hold You, God, in reverence and in awe. We understand Your parental ways, celebrating with us in our moments of triumph, consoling us in our times of desolation. We, Your children, come before You on this day with the resolve to go forth from this chamber and to do Your work, to walk in Your ways and to follow in our every word and deed in the path of goodness and light that You have set down for us in Your holy scripture. Our God, our everlasting, heavenly parent, we ask that You grant Governor Stephen Merrill, the Merrill family, the Merrill administration and all those who hold the sacredness of public trust in our great State of New Hampshire health of body and mind, vigor of soul and spirit and vitality of faith and fortitude. As we begin the New Year and the new term of office may the words of scripture attributed to the dedication of the House of God in the time of Solomon, King of the Israelites, find fruition in our place and in our time as it is written, "and on that day of solemn assembly he gave the people their leave to depart and they blessed their leader and went back to their houses joyful and glad of heart for all the goodness that God had shown." Let us now go forth unto life in peace, joyful and glad of heart. May God continue to bless us, the Merrill administration, the State of New Hampshire and these great United States of America now and always. Amen

### **(Rep. Cole in the Chair)**

Rep. Ann Torr and Sen. Barnes moved that the Joint Convention arise.

Adopted.

### **RESOLUTION**

Rep. David Scanlan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and when the House adjourns today it be to meet Thursday, January 26, 1995 at 1:00 p.m.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 1:40 p.m.

## RECESS

(Rep. Dowd in the Chair)

## RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 234 through 295, Constitutional Amendment Concurrent Resolution numbered 3 and House Concurrent Resolutions numbered 1 and 2, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS, CACR, AND HCRs

## First, second reading and referral

**HB 234**, relative to savings bank investments. (B. Packard, Hills 19; Fraser, Dist 4: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 235**, to establish new state representative districts for the city of Laconia. (Turner, Belk 7; Dewhirst, Belk 7; Trombly, Merr 4; Rice, Belk 7; Fraser, Dist 4: Constitutional and Statutory Revision)

**HB 236**, relative to the recovered memory syndrome. (P. Wells, Hills 16; L. Jean, Hills 17: Executive Departments and Administration)

**HB 237**, deleting the requirement that habitual offenders be incarcerated and allowing incarceration at the discretion of the court. (Laughlin, Hills 41: Corrections and Criminal Justice)

**HB 238**, relative to the health care transition fund. (Trombly, Merr 4: Finance)

**HB 239-L**, relative to a property tax exemption for real estate used as subsidized rental housing. (Wasson, Straf 10; Spear, Straf 5; Berube, Straf 14: Municipal and County Government)

**HB 240**, declaring English as the primary language of the state. (Wasson, Straf 10; Weyler, Rock 18; Raynowska, Rock 26; Noyes, Rock 26: Executive Departments and Administration)

**HB 241**, making technical changes in the business taxes. (D. Sytek, Rock 26; Nichols, Merr 2: Finance)

**HB 242**, prohibiting the use of hearsay evidence in disciplinary hearings under the real estate practice act. (E. Smith, Ches 6; Aranda, Rock 13: Judiciary and Family Law)

**HB 243-A**, relative to the expansion of veterans' home facilities and making an appropriation therefor. (Fields, Hills 18; Little, Merr 24; Weare, Rock 21: Public Works and Highways)

**HB 244**, relative to refund anticipation loans and authorizing fees for such loans. (Hunt, Ches 10; Fraser, Dist 4: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 245**, changing the status of the economic development fund to a nonlapsing fund. (Schotanus, Sull 3; Peyron, Sull 4; Rodeschin, Dist 8: Finance)

**HB 246**, requiring life insurance companies to periodically review their archives and notify beneficiaries in the event a policy becomes payable. (Trombly, Merr 4: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 247-L**, permitting a municipality to apply for a court order to attach an individual's personal assets to satisfy a lien on property for nonpayment of property taxes under extraordinary circumstances. (Senter, Rock 16; Haynes, Rock 17; Russman Dist 19: Judiciary and Family Law)

**HB 248**, requiring daytime running lights on motor vehicles. (Arnold, Hills 20: Transportation)

**HB 249**, requiring cable operators which offer HBO and Cinemax to provide the HBO/Cinemax guide book in larger type for the visually impaired and to adequately describe movies. (L'Heureux, Hills 18; Searles, Hills 23; Milligan, Hills 18; Roberge, Dist 9: Science, Technology and Energy)

**HB 250**, relative to access by municipalities to automatic number identification/automatic location identification information in the enhanced 911 data base. (McRae, Hills 7: Science, Technology and Energy)

**HB 251**, relative to checking voter checklists and counting ballots at an election. (Nowe, Rock 3; R. Dodge, Rock 4; Wasson, Straf 10; Kobel, Rock 6; Barnes, Dist 17: Constitutional and Statutory Revision)

**HB 252**, requiring health insurers to provide coverage for nonprescription enteral formulas when medically necessary for the treatment of malabsorption. (Nordgren, Graf 10; Wallner, Merr 24; Crory, Graf 10; Bean, Graf 14; Shaheen, Dist 21; Fraser, Dist 4: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 253-L**, requiring the moderator to designate ballot clerks for certain school district elections. (Stone, Rock 7; Gorman, Rock 8; Barnes, Dist 17: Constitutional and Statutory Revision)

**HB 254**, extending the term of the county attorney from 2 to 4 years. (Kennedy, Merr 7; Rice, Belk 7: Judiciary and Family Law)

**HB 255-L**, clarifying the option allowing town meeting, school district meetings, and village district meetings to vote to authorize indefinitely the governing body to apply for, accept, and expend unanticipated moneys. (Ham, Graf 4: Municipal and County Government)

**HB 256**, changing the name of Civil Rights Day to Martin Luther King, Jr. Civil Rights Day. (Splaine, Rock 36; L. Johnson, Hills 40; Jacobson, Merr 2; Hilliard, Straf 14; Hurst, Rock 22; Cohen, Dist 24: Executive Departments and Administration)

**HB 257**, clarifying the laws relative to the construction of beaches and boathouses under the shoreland protection act. (Dickinson, Carr 2; J. Bradley, Carr 8; Conroy, Rock 13: Resources, Recreation and Development)

**HB 258**, relative to dangerous barriers on recreational paths located on certain property. (Ham, Graf 4: Resources, Recreation and Development)

**HB 259**, providing limited immunity from liability for a professional engineer acting as an emergency management worker. (J. Chandler, Merr 1: Judiciary and Family Law)

**HB 260**, relative to the collection of property taxes in the town of Bennington for the 1994-95 tax years. (Amidon, Hills 9; Hallyburton, Hills 12: Municipal and County Government)

**HB 261**, relative to the granite state cultural legacy award. (M. Fuller Clark, Rock 31; Sallada, Hills 4; Barnes, Dist 17; Pignatelli, Dist 13: Executive Departments and Administration)

**HB 262**, relative to the sale of and authorization to carry mechanical self-opening or spring knives. (Kennedy, Merr 7: Public Protection and Veterans Affairs)

**HB 263**, relative to the board of registration in medicine. (D. Sytek, Rock 26; J. Sytek, Rock 26: Executive Departments and Administration)

**HB 264**, relative to the information required for candidates on ballots. (R. Buckley, Hills 44; Hilliard, Straf 14; D. Soucy, Hills 42: Constitutional and Statutory Revision)

**HB 265**, relative to political contributions for state primary and state general elections. (Buckley, Hills 44; Hilliard, Straf 14: Constitutional and Statutory Revision)

**HB 266**, relative to political contributions by individuals and political committees. (Rogers, Merr 22: Constitutional and Statutory Revision)

**HB 267-L**, clarifying the extent to which governmental uses of property shall comply with local land use regulations. (L. Foster, Hills 10; Metzger, Ches 13: Municipal and County Government)

**HB 268**, establishing a committee to study the issue of the elderly and the cost of prescription drugs. (Hilliard, Straf 14; Toomey, Hills 30; Wollner, Ches 17; Melcher, Hills 11; Buckley, Hills 44; Cohen, Dist 24: Health, Human Services and Elderly Affairs)

**HB 269**, relative to the taking of fish and game on posted property. (Mirski, Graf 12: Wildlife and Marine Resources)

**HB 270**, relative to bail agents and recovery agents. (Pepino, Hills 40; Buckley, Hills 44: Public Protection and Veterans Affairs)

**HB 271**, prohibiting video poker machines. (D. Flanders, Rock 20; Podles, Dist 16: Regulated Revenues)

**HB 272**, requiring health insurance companies to provide coverage to insureds, who themselves are required through settlement or court decree to provide coverage, for an ex-spouse with a pre-existing condition residing in New Hampshire. (M. Fuller Clark, Rock 31; Cohen, Dist 24: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 273**, clarifying the effective date of a law requiring municipalities to print expanded tax relief information on property tax bills. (Rogers, Merr 22; Feuer, Ches 2: Municipal and County Government)

**HB 274**, establishing a committee to study the feasibility of hauling solid waste by rail. (Connolly, Graf 1: Environment and Agriculture)

**HB 275**, encouraging businesses to conduct environmental self-audits. (Teschner, Graf 5; J. Bradley, Carr 8; Pignatelli, Dist 13: Environment and Agriculture)

**HB 276-A**, making an appropriation for the design and construction of a district court facility for Dover, Durham, and Somersworth. (F. Torr, Straf 12; Knowles, Straf 11; Wasson, Straf 10; Lovejoy, Dist 6; Shaheen, Dist 21: Public Works and Highways)



**HB 277**, establishing a committee to study the joint health council and the nurse practitioners act. (Copenhaver, Graf 10; Ziegler, Belk 5; Emerton, Hills 7; Fraser, Dist 4: Health, Human Services and Elderly Affairs)

**HB 278**, establishing a committee to study group II in the New Hampshire retirement system. (O'Rourke, Hills 39; LaMott, Graf 5; McCann, Straf 11: Executive Departments and Administration)

**HB 279**, relative to the jurisdiction of the ballot law commission. (Dykstra, Hills 42; Wasson, Straf 10: Constitutional and Statutory Revision)

**HB 280**, establishing a study committee to examine the issue of defining "psychological abuse" as applied by the courts in cases involving children. (I. Pratt, Ches 5; B. Richardson, Ches 12; Podles, Dist 16: Judiciary and Family Law)

**HB 281**, relative to admission requirements for the veterans' home and changing the composition of the board of managers. (Fields, Hills 18; G. Brown, Straf 17: Public Protection and Veterans Affairs)

**HB 282**, implementing recommendations of the Centers for Disease Control and Prevention relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes. (Copenhaver, Graf 10; Splaine, Rock 36; Jacobson, Merr 2; Trombly, Merr 4; C. Kane, Rock 34: Health, Human Services and Elderly Affairs)

**HB 283**, relative to the application of state banking laws, relative to loan loss reserves, and repealing provisions regarding guaranty funds for savings banks and building and loan associations. (B. Packard, Hills 19: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 284**, providing for the election of members to the county convention as a separate county office. (Hall, Hills 20: Municipal and County Government)

**HB 285**, relative to the transportation of septage. (Peyron, Sull 4: Environment and Agriculture)

**HB 286**, allowing certified mental health counselors and marriage and family therapists to obtain third party payment for services rendered. (Newland, Merr 15; Hall, Hills 20; Manning, Ches 9; Sargent, Hills 3; Cohen, Dist 24: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 287-L**, allowing towns and school districts to use the official ballot for any issue before the voters. (MacGillivray, Hills 21: Municipal and County Government)

**HB 288-L**, eliminating the requirement that solid waste management districts prepare solid waste management plans. (MacGillivray, Hills 21: Environment and Agriculture)

**HB 289-L**, allowing the board of selectmen of a town to place nonbinding local advisory questions on the ballot. (MacGillivray, Hills 21: Constitutional and Statutory Revision)

**HB 290-L**, relative to the appointment of certain local officials. (MacGillivray, Hills 21; Hallyburton, Hills 12: Municipal and County Government)

**HB 291-L**, allowing certain municipal advisory committees to take votes by secret ballot. (MacGillivray, Hills 21: Judiciary and Family Law)

**HB 292-L**, changing the minimum acreage to qualify for current use from 10 acres to one acre. (MacGillivray, Hills 21: Environment and Agriculture)

**HB 293-L**, allowing municipalities to expand the optional adjusted elderly exemption to exempt a percentage of the assessed value of property. (MacGillivray, Hills 21: Municipal and County Government)

**HB 294-L**, allowing municipalities to expand the optional adjusted elderly exemption to permit renters to qualify for the exemption. (MacGillivray, Hills 21: Municipal and County Government)

**HB 295**, allowing oil companies to market oil that contains a percentage of recycled oil. (H. Williams, Straf 12; Fraser, Dist 4; Cohen, Dist 24: Environment and Agriculture)

**CACR 3**, relating to abolishing the executive council. Providing that the executive council shall be abolished. (Rogers, Merr 22; Splaine, Rock 36: Constitutional and Statutory Revision)

**HCR 1**, calling for a federal constitutional convention to propose an amendment to the United States Constitution prohibiting unfunded federal mandates. (Kennedy, Merr 7; Kurk, Hills 5; Currier, Dist 7: State-Federal Relations)

**HCR 2**, urging the governor to reopen negotiations on the agreement between the state and Northeast Utilities. (Below, Graf 13; A. Merrill, Straf 8; Cohen, Dist 24: Science, Technology and Energy)

## RECESS

(Rep. Schotanus in the Chair)

## RESOLUTION

Rep. Leighton Pratt offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 296 through 325, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

## First, second reading and referral

**HB 296-FN**, regarding notice provisions for additives applied to fresh produce. (Hall, Hills 20; Pignatelli, Dist. 13; Roberge, Dist 9: Environment and Agriculture)

**HB 297**, allowing commercial or industrial businesses located in New Hampshire to obtain special competitive electric rates in certain circumstances. (Peyron, Sull 4; Allison, Sull 10; Palmer, Sull 11; Gorman, Rock 8; Trelfa, Graf 2; Shaheen, Dist 21; Wheeler, Dist 11; Rubens, Dist 5: Science, Technology and Energy)

**HB 298**, relative to the rulemaking authority of the police standards and training council and permitting the council to delegate certain powers and duties to the director of police standards and training. (Dyer, Hills 8; D. Welch, Rock 18; G. Brown, Straf 17; D. Sytek, Rock 26; Lovejoy, Dist 6; J. King, Dist 18: Public Protection and Veterans Affairs)

**HB 299-FN-L**, requiring that SAU budgets be approved by vote at school district meetings. (Hunter, Hills 7; Fenton, Hills 24; G. Brown, Straf 17; Milligan, Hills 18; R. Wheeler, Hills 7; Danaïs, Dist 20: Education)

**HB 300**, relative to drinking water violations. (Conroy, Rock 13: Resources, Recreation and Development)

**HB 301**, prohibiting certain evidence in sexual assault cases. (Snyder, Straf 14; McCann, Straf 11; DePecol, Ches 14; Hambrick, Straf 7: Corrections and Criminal Justice)

**HB 302-L**, transferring jurisdiction over the town of Troy from the Jaffrey-Peterborough District Court to the Keene District Court. (Burnham, Ches 8; Avery, Ches 8; Blaisdell, Dist 10: Judiciary and Family Law)

**HB 303-FN-L**, excluding Merrimack county from motor vehicle emissions testing. (Whitemore, Merr 13; Dickinson, Carr 2; Nichols, Merr 2; LaMott, Graf 5; Barnes, Dist 17; Fraser, Dist 4; Currier, Dist 7; Gordon, Dist 2; J. King, Dist 18: Science, Technology and Energy)

**HB 304**, authorizing the use of certain electric-powered craft on certain lakes and ponds, except those used as a public water supply. (L'Heureux, Hills 18; Boucher, Rock 29; Calawa, Hills 17; Andrews, Hills 34; Roberge, Dist 9: Transportation)

**HB 305-L**, allowing municipalities to adopt an exemption from property taxes regardless of age and to adopt a freeze on property taxes for homeowners over 65. (Splaine, Rock 36; D. Cote, Hills 29; Rogers, Merr 22; Pantelakos, Rock 30: Municipal and County Government)

**HB 306**, establishing a children, youth, and families council to address the efficient delivery of services to children and families. (McGovern, Rock 35; Metzger, Ches 13; Hambrick, Straf 7; Cohen, Dist 24; Shaheen, Dist 21; J. King, Dist 18: Judiciary and Family Law)

**HB 307**, establishing a study committee to consider a constitutional amendment allowing the adoption of a yield tax on sand, gravel, and similar materials. (Burnham, Ches 8; McGuirk, Ches 1: Finance)

**HB 308**, requiring charitable organizations to produce annual reports for public inspection and to develop conflict of interest policies and codes of ethics. (Allen, Hills 1: Judiciary and Family Law)

**HB 309**, relative to pirated recordings. (Mock, Carr 3; Hart, Hills 37: Science, Technology and Energy)

**HB 310-FN**, relative to the medical and rehabilitation fee schedule and adding a member to the workers' compensation advisory council. (R. Hawkins, Rock 20; Fraser, Dist 4: Labor, Industrial and Rehabilitative Services)

**HB 311**, requiring a certain minimum water flow before certain property may be sold. (Fenton, Hills 24; Hunter, Hills 7: Resources, Recreation and Development)

**HB 312-FN-A-L**, eliminating the advisory council on literacy and dropout prevention, establishing a committee to study literacy issues, and funding state literacy programs and making an appropriation therefor. (Hutchinson, Rock 29; Guest, Graf 10; J. White, Hills 46: Education)

**HB 313-FN**, relative to a defendant's repayment of counsel expenses that have been paid by the state. (Lozeau, Hills 30: Corrections and Criminal Justice)

**HB 314-FN**, relative to wolf hybrids. (McGuirk, Ches 1; Dickinson, Carr 2: Wildlife and Marine Resources)

**HB 315-FN**, relative to the low and moderate income housing loan program. (D. Sytek, Rock 26; J. King, Dist 18: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 316-FN**, relative to probation and parole officers. (Knowles, Straf 11: Corrections and Criminal Justice)

**HB 317-FN**, relative to disqualification for unemployment compensation benefits due to self-employment. (Turner, Belk 7; Perkins, Hills 5; Johnson, Dist 3: Labor, Industrial and Rehabilitative Services)

**HB 318-FN-L**, relative to the disposition of revenue received by the bureau of common carriers, department of safety. (Senter, Rock 16; J. Chandler, Merr 1; M. Clark, Rock 31: Finance)

**HB 319-FN**, relative to standards for granting a retrial in a criminal or civil case. (V. Clark, Rock 17: Judiciary and Family Law)

**HB 320-FN**, establishing a recall procedure for those legislators found in violation in ethics rules by the legislative ethics committee and reconstituting the legislative ethics committee. (Hemon, Straf 11; Bergeron, Hills 28; Cobbin, Graf 11: Legislative Administration)

**HB 321-FN-L**, relative to the compensation paid to election officers at city, town, and state elections. (Laughlin, Hills 41; Reidy, Hills 46; Dwyer, Hills 43; J. King, Dist. 18: Municipal and County Government)

**HB 322-FN**, prohibiting the executive director from imposing additional fees for certain fishing licenses. (Laughlin, Hills 41: Wildlife and Marine Resources)

**HB 323-FN**, authorizing a New Hampshire Pearl Harbor survivor special number plate. (E. Dodge, Hills 18; R. Kelley, Hills 18; Barnes, Dist 17: Transportation)

**HB 324-FN**, relative to taking or harvesting clams and relative to clam license fees. (B. Moore, Rock 21: Wildlife and Marine Resources)

**HB 325-FN**, relative to the bonding authority of the business finance authority. (Burnham, Ches 8; B. Packard, Hills 19: Commerce, Small Business, Consumer Affairs and Economic Development)

## RECESS

(Rep. Pfaff in the Chair)

## RESOLUTION

Rep. Jeb Bradley offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 326 through 369, Constitutional Amendment Concurrent Resolution numbered 4, House Concurrent Resolution numbered 3 and House Joint Resolutions numbered 2 and 3, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS, CACR, HCR and HJR

### First, second reading and referral

**HB 326-FN-L**, requiring that all governmental business be conducted in English. (Arnold, Hills 20: Executive Departments and Administration)

**HB 327-FN**, transferring certain Hampton Falls property. (Christie, Rock 22: Finance)

**HB 328-FN**, relative to the construction, reconstruction, or repair of boathouses which could be used as dwellings. (Dickinson, Carr 2; Conroy, Rock 13; M. Whalley, Merr 5; Merritt, Straf 8; Behrens, Sull 2: Resources, Recreation and Development)

**HB 329-FN-L**, relative to offsetting local districts' costs for special education. (Franks, Hills 26; Buckley, Hills 44; Weyler, Rock 18; Ferguson, Hills 13; Stone, Rock 7; Currier, Dist 7; J. King, Dist 18; Pignatelli, Dist 13; Gordon, Dist 2; Blaisdell, Dist 10; Shaheen, Dist 21: Regulated Revenues)

**HB 330**, to establish the ethics governing board. (Hemon, Straf 11; Bergeron, Hills 28; Cobbin, Graf 11: Executive Departments and Administration)

**HB 331-L**, relative to elderly property tax exemptions for persons with no social security income. (Kirby, Hills 24; M. Fuller Clark, Rock 31: Municipal and County Government)

**HB 332-FN-A**, providing for certain services for the developmentally disabled and making an appropriation therefor. (Burnham, Ches 8; Amidon, Hills 9; Warner, Merr 7; K. Pratt, Rock 22; Blaisdell, Dist 10; Shaheen, Dist 21: Health, Human Services and Elderly Affairs)

**HB 333**, relative to election procedures. (Flanagan, Rock 14: Constitutional and Statutory Revision)

**HB 334-FN-L**, relative to the powers and duties of a municipality relating to trust funds and school district taxes, relative to qualification of beneficial interest trust owners for certain tax exemptions, and relative to public meetings of the current use board. (Noyes, Rock 26; Barnes, Dist 17: Municipal and County Government)

**HB 335**, relative to marking a straight ticket ballot. (Jacobson, Merr 2: Constitutional and Statutory Revision)

**HB 336**, prohibiting the holding of a lottery to encourage people to vote, or not to vote. (Jacobson, Merr 2: Constitutional and Statutory Revision)

**HB 337**, to expand the definition of "political committee" for reporting purposes. (Jacobson, Merr 2: Constitutional and Statutory Revision)

**HB 338-FN-L**, eliminating school administrative units by July 1, 1996, authorizing local school districts to assume SAU responsibilities after that date, and authorizing the office of legislative services to draft the proposed legislation necessary to implement these provisions. (Jacobson, Merr 2: Education)

**HB 339**, relative to death with dignity for certain persons suffering from a terminal condition. (Guest, Graf 10; Copenhaver, Graf 10; McGovern, Rock 35; Thulander, Hills 6: Judiciary and Family Law)

**HB 340-L**, relative to electing certain county officers to 4-year rather than 2-year terms. (Rice, Belk 7; Hess, Merr 11; Bartlett, Belk 6; R. Foster, Carr 10; Kennedy, Merr 7; Johnson, Dist 3: Municipal and County Government)

**HB 341**, changing the procedure for the release of a security interest in a motor vehicle. (Fesh, Rock 13; G. Katsakiores, Rock 13: Transportation)

**HB 342**, relative to the use of moorings and clarifying related definitions. (M. Whalley, Merr 5; Laflam, Belk 2; Currier, Dist 7: Resources, Recreation and Development)

**HB 343**, relative to reporting receipts and expenditures by candidates. (Keans, Straf 16; J. Brown, Straf 17: Constitutional and Statutory Revision)

**HB 344**, relative to the New Hampshire automated information system board. (D. Welch, Rock 18; Burnham, Ches 8: Science, Technology and Energy)

**HB 345-L**, allowing municipalities to vote to request payments in lieu of taxes from charitable organizations. (Cepaitis, Hills 33; R. Champagne, Ches 19; L. Foster, Hills 10; Wollner, Ches 17; Tucker, Graf 7: Municipal and County Government)

**HB 346**, requiring the Merrimack county commissioners to be elected on a rotating basis. (Little, Merr 24; M. Whalley, Merr 5; Kennedy, Merr 7; Barberia, Merr 9; Weeks, Merr 18; Larsen, Dist 15: Municipal and County Government)

**HB 347**, relative to threatening a lawsuit. (Jacobson, Merr 2: Judiciary and Family Law)

**HB 348**, allowing the placement of campaign signs along highway rights-of-way and imposing civil penalties for election law violations. (Jacobson, Merr 2: Public Works and Highways)

**HB 349-L**, requiring an annual cost of living adjustment for elderly exemptions to the property tax. (Herman, Hills 13; Wheeler, Dist 11: Municipal and County Government)

**HB 350**, establishing a recycling market development steering committee. (A. Merrill, Straf 8; Musler, Straf 6; Burnham, Ches 8; Pignatelli, Dist 13; Shaheen, Dist 21; Russman, Dist 19: Environment and Agriculture)

**HB 351**, establishing an environmental research advisory committee. (A. Merrill, Straf 8; Burnham, Ches 8; Musler, Straf 6; Russman, Dist 19; Shaheen, Dist 21: Environment and Agriculture)

**HB 352**, relative to the New Hampshire/Vermont solid waste compact. (Trelfa, Graf 2; Burnham, Ches 8; Musler, Straf 6; Aranda, Rock 13: Environment and Agriculture)

**HB 353**, relative to state licensed or certified real estate appraisers. (Dowling, Rock 13; Wheeler, Dist 11: Executive Departments and Administration)

**HB 354**, expanding the definition of motor vehicle under the new motor vehicle arbitration laws to include motor homes. (Emerton, Hills 7; Robertson, Ches 18: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 355-L**, relative to solid waste districts. (Burnham, Ches 8; Musler, Straf 6; Russman, Dist 19: Environment and Agriculture)

**HB 356**, requiring vehicle light use during any period windshield wipers are in operation during inclement weather. (Avery, Ches 8; Burnham, Ches 8; Dickinson, Carr 2: Transportation)

**HB 357**, relative to mental health practice. (MacKay, Merr 17; Lozeau, Hills 30: Health, Human Services and Elderly Affairs)

**HB 358**, relative to surplus campaign contributions and reporting by political committees. (Flanagan, Rock 14: Constitutional and Statutory Revision)

**HB 359**, relative to the form of the primary and general election ballots. (Flanagan, Rock 14: Constitutional and Statutory Revision)

**HB 360**, relative to absentee voting. (Emerton, Hills 7; Flanagan, Rock 14; Dickinson, Carr 2: Constitutional and Statutory Revision)

**HB 361**, relative to the board of manufactured housing. (Lozeau, Hills 30; P. Katsakiores, Rock 13; P. Philbrook, Hills 30: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 362**, relative to the authority to make arrests in fresh pursuit. (R. Wheeler, Hills 7: Public Protection and Veterans Affairs)

**HB 363**, regulating the construction, placement, and removal of swim floats. (Rice, Belk 7; R. Foster, Carr 10: Resources, Recreation and Development)

**HB 364**, relative to parking privileges for persons with walking disabilities. (Vaughn, Rock 35; Syracuse, Rock 33; M. Fuller Clark, Rock 31: Health, Human Services and Elderly Affairs)

**HB 365**, relative to information on credit reports regarding paid property tax liens. (Hunter, Hills 7; Fenton, Hills 24; Emerton, Hills 7; Danaïs, Dist 20: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 366-L**, relative to hazardous waste on private property. (Senter, Rock 16: Judiciary and Family Law)

**HB 367**, to promote the use of the metric system in certain public and private entities. (Rosen, Belk 7; Pelletier, Straf 12; McRae, Hills 7: Science, Technology and Energy)

**HB 368-L**, granting municipalities the option to change the interest rate on delinquent property taxes and subsequent property taxes. (Kirby, Hills 24; Cohen, Dist 24: Municipal and County Government)

**HB 369-A**, relative to capital improvements at the Mount Sunapee and Cannon Mountain ski areas and making an appropriation therefor. (Behrens, Sull 2; Schotanus, Sull 3; Rodeschin, Dist 8; Rubens, Dist 5: Public Works and Highways)

**CACR 4**, relating to establishing a statewide referendum procedure for the repeal of state statutes. Providing that citizens of New Hampshire may directly repeal state statutory provisions by referendum. (Gorman, Rock 8; McClarin, Hills 33; Morris, Rock 27: Constitutional and Statutory Revision)

**HCR 3**, relative to population policy and environmental preservation. (Jacobson, Merr 2; Guest, Graf 10: State-Federal Relations)

**HJR 2**, urging the members of the New Hampshire legislature to consider and support the recommendations of the Northern Forest Lands Council Study Committee. (Scanlan, Graf 11; P. Bradley, Coos 6; L. Pratt, Coos 4; F. King, Dist 1; Russman, Dist 19: Resources, Recreation and Development)

**HJR 3**, urging the members of Congress to implement the recommendations of the Northern Forest Lands Council. (Scanlan, Graf 11; L. Pratt, Coos 4; P. Bradley, Coos 6; Russman, Dist 19; F. King, Dist 1: State-Federal Relations)

**(Rep. Gage in the Chair)****RESOLUTION**

Rep. Robert Foster offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 370 through 402, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 370**, extending the reporting date for the study requested of the Dartmouth Medical School concerning services for older adults under 1993, 358:5. (Amidon, Hills 9; Calawa, Hills 17; Hawkinson, Coos 7; J. King, Dist 18: Health, Human Services and Elderly Affairs)

**HB 371**, relative to trapping muskrat and relative to the dens and burrows of game animals or fur-bearing animals. (McGuirk, Ches 1: Wildlife and Marine Resources)

**HB 372**, establishing a committee to study the feasibility of reconstructing portions of New Hampshire route 33 in the town of Greenland. (Richards, Rock 23: Public Works and Highways)

**HB 373**, relative to veterans' home trust fund revenues and expenditures. (C. Brown, Graf 14: Finance)

**HB 374**, relative to the information required for nomination papers to place a candidate on the ballot. (Lovett, Graf 6: Constitutional and Statutory Revision)

**HB 375**, relative to the interest rate on judgments. (Mercer, Hills 27; Fraser, Dist 4: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 376**, making it illegal to knowingly maintain or control any premises where persons under the age of 21 consume alcohol. (Dolan, Rock 12; Coes, Rock 19; Ross, Rock 26; R. Dodge, Rock 4: Corrections and Criminal Justice)

**HB 377**, establishing a committee to review the feasibility of funding certain operations at Mittersill ski area. (Hess, Merr 11: Resources, Recreation and Development)

**HB 378-FN-L**, requiring that criminal history record inquiries for teachers shall include all 50 states. (Ham, Graf 4: Education)

**HB 379**, relative to zoning height limitations on amateur radio towers. (Rosen, Belk 7; Kirby, Hills 24; Adler, Sull 5; McRae, Hills 7; Johnson, Dist 3: Science, Technology and Energy)

**HB 380**, to legalize the substitution of metric equivalents for any English system value expressed in state motor vehicle laws. (Rosen, Belk 7; McRae, Hills 7; Pelletier, Straf 12; Cohen, Dist. 24: Science, Technology and Energy)

**HB 381**, relative to the definition of crosswalk. (Keans, Straf 16; Callaghan, Straf 15; Messier, Hills 46; Lundborn, Straf 18: Transportation)

**HB 382**, relative to the operation of the incinerator by the Lamprey regional solid waste cooperative at the University of New Hampshire in the town of Durham. (Wasson, Straf 10; R. Dodge, Rock 4; Nowe, Rock 3; Garguilo, Rock 25; E. Scanlon, Rock 19: Environment and Agriculture)

**HB 383**, relative to signs displayed by liquor licensees and access for patrons to areas of full service restaurants with liquor licenses. (S. Packard, Rock 29; Cooper, Carr 2: Regulated Revenues)

**HB 384**, establishing a committee to determine the feasibility of constructing a rest area on New Hampshire route 16 in the town of Wakefield. (J. Bradley, Carr 8; Kenney, Carr 6; Johnson, Dist 3: Public Works and Highways)

**HB 385**, relative to the adjustment and focus of automobile and truck headlights. (LaMott, Graf 5: Transportation)

**HB 386**, consolidating state veterans' programs into a department of veterans affairs. (Fenton, Hills 24; D. Welch, Rock 18; Hunter, Hills 7; L. Jean, Hills 17; Roberge, Dist 9; Barnes, Dist 17; Shaheen, Dist 21; Rubens, Dist 5: Public Protection and Veterans Affairs)

**HB 387**, relative to the rulemaking authority of commissioners of state departments. (Mercer, Hills 27: Executive Departments and Administration)

**HB 388**, rescinding the administrative rule which requires a licensee to disclose a material defect to a prospective buyer, and repealing a provision which requires disclosure by a seller to a buyer of real estate. (E. Smith, Ches 6: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 389**, relative to liability of directors and officers of nonprofit organizations. (Senter, Rock 16; Manning, Ches 9; Wallner, Merr 24: Judiciary and Family Law)

**HB 390**, relative to the grandfathering of subdivisions and separate lots. (Laurent, Ches 2; L. Foster, Hills 10: Municipal and County Government)

**HB 391**, increasing the penalty for a person convicted of being an armed career criminal. (Pepino, Hills 40: Public Protection and Veterans Affairs)

**HB 392**, requiring a financial institution to allow an applicant for a mortgage loan to select an appraisal firm from a list of firms supplied by the institution. (S. Packard, Rock 29: Commerce, Small Business, Consumer Affairs, and Economic Development)

**HB 393-L**, relative to the approval by the division of water supply and pollution control of plans for sewage disposal systems. (Weyler, Rock 18: Resources, Recreation and Development)

**HB 394-L**, relative to review of developments of regional impact. (Weyler, Rock 18: Municipal and County Government)

**HB 395**, relative to the jurisdiction of the zoning board of adjustment, the appeal of land use decisions, and the exhaustion of administrative remedies. (Weyler, Rock 18: Municipal and County Government)

**HB 396**, requiring voters to bring identification showing their current domicile to the polls. (Pelletier, Straf 12; Snyder, Straf 14: Constitutional and Statutory Revision)

**HB 397**, relative to hospital billing. (Lozeau, Hills 30: Health, Human Services and Elderly Affairs)

**HB 398-L**, relative to the membership and certain duties of heritage commissions, historic district commissions, and conservation commissions. (M. Fuller Clark, Rock 31; Metzger, Ches 13; Hunt, Ches 10; Barnes, Dist 17: Municipal and County Government)

**HB 399**, extending the term of the county sheriff from 2 to 4 years. (Kennedy, Merr 7; Rice, Belk 7: Municipal and County Government)

**HB 400**, allowing liquor licenses to be issued to limited liability companies. (Avery, Ches 8; R. Kelley, Hills 18; Behrens, Sull 2; Mercer, Hills 27: Regulated Revenues)

**HB 401**, establishing a committee to study payments in lieu of taxes for university system properties which function as businesses open to the public. (A. Merrill, Straf 8; Wall, Straf 9; K. Wheeler, Straf 8; Merritt, Straf 8; Loder, Straf 8; Shaheen, Dist 21: Municipal and County Government)

**HB 402**, establishing a committee to study the regulation of electric utilities. (A. Merrill, Straf 8; Below, Graf 13; J. Bradley, Carr 8; Shaheen, Dist 21; Rubens, Dist 5: Science, Technology and Energy)

## RECESS

(Rep. Dickinson in the Chair)

## RESOLUTION

Rep. Schotanus offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 403 through 424, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

### First, second reading and referral

**HB 403-L**, relative to the authority of water commissioners. (St. Hilaire, Coos 7: Municipal and County Government)

**HB 404**, requiring certain investigations by the commissioner of labor to be confidential. (R. Hawkins, Rock 20: Labor, Industrial and Rehabilitative Services)

**HB 405**, relative to the minimum wage law. (R. Hawkins, Rock 20: Labor, Industrial and Rehabilitative Services)

**HB 406**, relative to community service under workers' compensation. (R. Hawkins, Rock 20: Labor, Industrial and Rehabilitative Services)

**HB 407**, relative to the education requirements for certified public accountants. (R. Wheeler, Hills 7: Executive Departments and Administration)

**HB 408-L**, relative to public employees' terms and conditions of employment. (Baroody, Hills 42; McCann, Straf 11: Labor, Industrial and Rehabilitative Services)

**HB 409**, relative to absentee voter registration. (M. Fuller Clark, Rock 31; Holden, Hills 14; Pignatelli, Dist 13; Cohen, Dist 24: Constitutional and Statutory Revision)

**HB 410**, limiting the season for bear baiting. (Pfaff, Merr 11: Wildlife and Marine Resources)

**HB 411**, establishing a committee to review the public benefit requirement in the solid waste statutes. (Burnham, Ches 8; Musler, Straf 6: Environment and Agriculture)

**HB 412**, relative to licensing standards for sales finance companies and retail sellers. (Lindblade, Sull 7: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 413**, limiting the civil liability of persons engaged in equine activities. (Mirski, Graf 12; Cobbin, Graf 11: Judiciary and Family Law)

**HB 414-FN-L**, repealing a requirement that a municipality pay certain abatement-related expenses of the board of tax and land appeals following a reappraisal in that municipality by a commercial firm. (L. Foster, Hills 10; Dowling, Rock 13: Municipal and County Government)

**HB 415-L**, enabling municipalities, with the approval of the executive director of fish and game, to restrict hunting in the municipality. (Christie, Rock 22: Wildlife and Marine Resources)

**HB 416**, relative to aggravated felonious sexual assault. (Christie, Rock 22; Knowles, Straf 11: Corrections and Criminal Justice)

**HB 417**, relative to investments by town trustees. (D. Soucy, Hills 42; J. King, Dist 18: Municipal and County Government)

**HB 418**, permitting a law enforcement officer to video and audio record certain communications after providing notification. (Lozeau, Hills 30: Corrections and Criminal Justice)

**HB 419**, relative to certain copyright licenses. (Lozeau, Hills 30; G. Chandler, Carr 1; Nichols, Merr 2; Ham, Graf 4; Avery, Ches 8; Barnes, Dist 17; Cohen, Dist 24: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 420**, relative to habitability in manufactured housing parks. (Lozeau, Hills 30: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 421**, establishing a joint committee to examine the best way to ensure an efficient system of criminal prosecution at the district and superior court level. (Lozeau, Hills 30; Currier, Dist 7: Corrections and Criminal Justice)

**HB 422-L**, requiring that a vote taken on reconsideration at a town or school district meeting shall fail unless the subsequent vote passes by a greater number of total votes than the original vote on the issue. (Henderson, Rock 20: Municipal and County Government)

**HB 423**, restricting late payment fees on consumer installment credit payments. (Jacobson, Merr 2: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 424**, requiring legislative approval for the naming of state-owned buildings and of certain formations, and relative to the naming of Northwood Meadows State Park. (R. Johnson, Rock 1; Barnes, Dist 17: Public Works and Highways)

## RECESS

(Rep. Robert Hawkins in the Chair)

## RESOLUTION

Rep. Leighton Pratt offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 193 and 425 through 533, Constitutional Amendment Concurrent Resolutions 5 through 7, House Concurrent Resolution 4, House Resolution 11 and House Joint Resolution 4, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.



**INTRODUCTION OF HOUSE BILLS, CACRs, HCR, HR and HJR****First, second reading and referral**

**HB 193**, repealing requirements concerning the way cemetery trustees are elected. (Burke, Hills 15; Letendre, Hills 15; G. Katsakiores, Rock 13; K. Wheeler, Straf 8; Roberge, Dist 9: Municipal and County Government)

**HB 425**, adding an exception for certain events to the hawkers and peddlers law and the itinerant vendors law. (D. Lawton, Belk 1; Wendelboe, Belk 2: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 426**, increasing the penalties for felonious use of a firearm. (Pepino, Hills 40: Public Protection and Veterans Affairs)

**HB 427-FN**, increasing bail commissioners' fees and relative to educational requirements for bail commissioners. (Hunter, Hills 7; Emerton, Hills 7; Wheeler, Dist 11; Danais, Dist 20: Judiciary and Family Law)

**HB 428**, relative to boat docking facilities. (Hunter, Hills 7; Rubin, Rock 25; Fenton, Hills 24; R. Soucy, Hills 31: Resources, Recreation and Development)

**HB 429**, relative to the election of the members of the board of cemetery trustees in town meeting towns. (Mirski, Graf 12; Below, Graf 13; Rubens, Dist 5: Municipal and County Government)

**HB 430**, relative to branch banking and bank holding company affiliates. (Lindblade, Sull 7: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 431**, relative to the bank commissioner's supervision of New Hampshire bank holding companies and out-of-state bank holding companies doing business in New Hampshire. (B. Packard, Hills 19: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 432**, relative to retail sellers of motor vehicles and sales finance companies which execute retail installment contracts for purchases of motor vehicles and relative to certain fees. (B. Packard, Hills 19: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 433**, relative to second mortgage loan licensees and repealing an exemption for insurance companies from the laws regulating small lenders. (B. Packard, Hills 19: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 434**, prohibiting advance collection of interest on open-end consumer credit transactions. (Hunt, Ches 10: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 435**, relative to first mortgage bankers and brokers. (Hunt, Ches 10: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 436**, relative to ethics guidelines for lobbyists. (Shaw, Merr 12: Legislative Administration)

**HB 437**, relative to competitive bidding in Rockingham county. (D. Sytek, Rock 26; Henderson, Rock 20; D. Welch, Rock 18: Municipal and County Government)

**HB 438**, establishing a committee to study early voting in New Hampshire. (Mittelman, Hills 37; Stritch, Rock 5: Constitutional and Statutory Revision)

**HB 439**, relative to a patient's rights concerning billing for medical procedures. (B. Packard, Hills 19; Lindblade, Sull 7; Shaheen, Dist 21: Health, Human Services and Elderly Affairs)

**HB 440**, relative to enabling legislation for same day voter registration at city and town elections. (Holden, Hills 14; M. Fuller Clark, Rock 31: Constitutional and Statutory Revision)

**HB 441**, relative to the headway speed in tidal and non-tidal waters. (Syracusa, Rock 33; Bartlett, Belk 6; Crossman, Rock 32; J. McCarthy, Rock 24; Vaughn, Rock 35; Cohen, Dist 24, Shaheen, Dist 21: Transportation)

**HB 442**, establishing temporary rates equal to the statutory rates for the telecommunications tax, the meals and rooms tax, and the real estate transfer tax. (DePecol, Ches 14: Finance)

**HB 443-FN**, making technical changes in liquor laws. (R. Kelley, Hills 18: Regulated Revenues)

**HB 444**, relative to disposal of dead fetuses. (Goddard, Rock 33; Daniels, Hills 13: Judiciary and Family Law)

**HB 445**, authorizing the director of state police to offer an optional photo or imaged handgun license and setting the license fee. (Dickinson, Carr 2; McGuirk, Ches 1; D. Welch, Rock 18; Pepino, Hills 40: Public Protection and Veterans Affairs)

**HB 446**, relative to mental health care benefits within the HMO networks. (Loder, Straf 8; M. Fuller Clark, Rock 31; Lindblade, Sull 7; Manning, Ches 9; K. Wheeler, Straf 8; Cohen, Dist 24; Colantuono, Dist 14: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 447**, establishing a committee to review certain aspects of the OHRV laws. (Pfaff, Merr 11; G. Merrill, Coos 1; Schotanus, Sull 3: Transportation)

**HB 448**, prohibiting the use or ingestion of alcohol by persons under the age of 21 years. (Dolan, Rock 12; Coes, Rock 19; R. Dodge, Rock 4: Corrections and Criminal Justice)

**HB 449**, establishing a study committee to examine and recommend a process for certifying persons who perform tax assessments and property appraisals for municipalities. (Noyes, Rock 26; Daneault, Merr 12, Dowling, Rock 13; Golden, Belk 5; Stawasz, Dist 12: Municipal and County Government)

**HB 450**, relative to the confidentiality of wills. (Wasson, Straf 10: Judiciary and Family Law)

**HB 451-FN-L**, relative to financial responsibility for certain welfare recipients. (Jacobson, Merr 2: Municipal and County Government)

**HB 452**, establishing a study committee to examine the issue of tuition waivers for certain students within the university system of New Hampshire. (Wasson, Straf 10; Golden, Belk 5: Education)

**HB 453**, relative to administration of medications by residential care facility and supported residential care facility staff members. (L. Foster, Hills 10; Kenney, Carr 6: Health, Human Services and Elderly Affairs)

**HB 454**, relative to the membership and regulatory authority of the state board of auctioneers. (McRae, Hills 7; Emerton, Hills 7: Executive Departments and Administration)

**HB 455**, relative to marking a straight ticket ballot. (Malcolm, Rock 22; Christie, Rock 22; Coes, Rock 19; J. Kelley, Rock 22; K. Pratt, Rock 22: Constitutional and Statutory Revision)

**HB 456**, requiring governor and council approval for certain lease or concession contracts on state forests and reservations. (Peyron, Sull 4; Schotanus, Sull 3: Resources, Recreation and Development)

**HB 457**, relative to access to public waters through public lands for the purpose of sport fishing. (L. Jean, Hills 17; Dickinson, Carr 2; Douglass, Straf 16; L. Smith, Belk 5; D. Welch, Rock 18; Barnes, Dist 17; Colantuono, Dist 14; Rodeschin, Dist 8; Wheeler, Dist 11: Resources, Recreation and Development)

**HB 458-L**, relative to the discontinuance of town roads. (Noyes, Rock 26; Barnes, Dist 17: Public Works and Highways)

**HB 459-FN**, relative to service of civil process by private citizens. (Lozeau, Hills 30: Judiciary and Family Law)

**HB 460**, establishing a procedure to be used in the absence of a living will if the wishes of the terminally ill or permanently unconscious patient were known to other persons. (Copenhaver, Graf 10; Hill, Graf 1: Judiciary and Family Law)

**HB 461-L**, relative to requirements for manual and computer assisted property tax revaluations. (H. Williams, Straf 12; D. Soucy, Hills 42; Reynolds, Straf 13; Shaheen, Dist 21: Municipal and County Government)

**HB 462**, establishing a committee to study means of municipal revenue raising in lieu of the property tax. (Mirski, Graf 12; Kurk, Hills 5: Municipal and County Government)

**HB 463**, relative to the DWI levels for juveniles. (Christie, Rock 22; Coes, Rock 19; Dolan, Rock 12; Malcolm, Rock 22; Barnes, Dist 17; Roberge, Dist 9: Corrections and Criminal Justice)

**HB 464**, requiring insurance companies to give discounts to drivers over 55 years of age who complete an approved driver safety course. (W. McCarty, Hills 38; Allen, Hills 1; Manning, Ches 9; Pfaff, Merr 11; F. Riley, Hills 44; Barnes, Dist 17; Blaisdell, Dist 10; Podles, Dist 16: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 465**, prohibiting a person who is a witness to an event or occurrence which such person knows or reasonably should know is a crime from accepting consideration for providing information regarding the event or occurrence. (Fesh, Rock 13; Hess, Merr 11: Judiciary and Family Law)

**HB 466**, relative to the definition of plastic holding devices. (Felch, Rock 21: Environment and Agriculture)

**HB 467**, allowing registered nurses employed by licensed home health care agencies to possess and administer certain noncontrolled prescription drugs under certain conditions. (D Sytek, Rock 26; Emerton, Hills 7; Blaisdell, Dist 10; Podles, Dist 16: Health, Human Services and Elderly Affairs)

**HB 468**, relative to mutual savings banks. (Krueger, Sull 9: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 469-FN**, relative to a civil filing fee surcharge to fund civil legal assistance to low-income persons. (Hawkins, Rock 20; Peyron, Sull 4: Judiciary and Family Law)

**HB 470-FN**, relative to change of school assignment for students subjected to harassment. (Hutchinson, Rock 29; R. Champagne, Ches 19; J. White, Hills 46: Education)

**HB 471-FN**, relative to the department of corrections, including a corrections impact statement and submission of correctional reports, and separating the positions of director of adult services and warden. (C. Brown, Graf 14: Corrections and Criminal Justice)

**HB 472-FN**, requiring the division of public health services to establish a needle exchange pilot program. (C. Kane, Rock 34; Copenhagen, Graf 10; Palmer, Sull 11; Gage, Rock 26; Sargent, Hills 3; Cohen, Dist 24: Health, Human Services and Elderly Affairs)

**HB 473-FN-A-L**, establishing the distance learning commission and making an appropriation therefor. (Daniels, Hills 13; J. Bradley, Carr 8; Ham, Graf 4; G. Merrill, Coos 1; Wasson, Straf 10; Podles, Dist 16; Rubens, Dist 5; Wheeler, Dist 11: Science, Technology and Energy)

**HB 474-FN**, relative to unemployment compensation. (Laughlin, Hills 41; Reidy, Hills 46: Labor, Industrial and Rehabilitative Services)

**HB 475-L**, enabling municipalities to create regional transit districts. (M. Fuller Clark, Rock 31; Senter, Rock 16; Henderson, Rock 20; Burnham, Ches 8; Shaheen, Dist 21; Cohen, Dist 24: Municipal and County Government)

**HB 476-FN**, relative to adding statements of original intent to bills and resolutions. (Hunter, Hills 7; Boucher, Rock 29; Fenton, Hills 24; L. Jean, Hills 17; Emerton, Hills 7; Danaïs, Dist 20; Currier, Dist 7: Legislative Administration)

**HB 477-FN**, regulating motor vehicle leasing. (M. Fuller Clark, Rock 31; Gage, Rock 26; Newland, Merr 15: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 478-FN**, relative to issuing operating permits to major stationary sources of air pollution. (J. Bradley, Carr 8; Below, Graf 13; A. Merrill, Straf 8; McGovern, Rock 35: Science, Technology and Energy)

**HB 479-FN-L**, requiring that the hours of polling in a town be determined at the town meeting held prior to each state election. (Ham, Graf 4: Constitutional and Statutory Revision)

**HB 480-FN**, abolishing the judicial council. (Hemon, Straf 11; Bergeron, Hills 28: Judiciary and Family Law)

**HB 481-FN**, relative to funding the state fire academy from certain surcharges. (Dyer, Hills 8; LaMott, Graf 5; O'Rourke, Hills 39; D. Welch, Rock 18; Stawasz, Dist 12; Rubens, Dist 5: Finance)

**HB 482-FN**, requiring the division of motor vehicles to provide a limited purpose drivers license to persons who have lost their privileges. (Kennedy, Merr 7: Transportation)

**HB 483-FN**, requiring a plea bargaining agreement to be submitted to the court for judgment at least 2 weeks prior to the trial date. (R. Dodge, Rock 4; Nowe, Rock 3; Dolan, Rock 12: Corrections and Criminal Justice)

**HB 484-FN**, grandfathering certain sewage disposal systems from the approval requirements established by the department of environmental services. (L. Pratt, Coos 4; W. Williams, Graf 3; F. King, Dist 1: Resources, Recreation and Development)

**HB 485-FN**, relative to the taxation of transfers of certain estates. (D. Sytek, Rock 26; Nichols, Merr 2: Finance)

**HB 486-FN**, relative to lease agreements for state equipment. (Sallada, Hills 4; Roberge, Dist 9: Finance)

**HB 487-FN-L**, exempting municipalities from paying registration fees for dams. (Wasson, Straf 10; H. Williams, Straf 12: Resources, Recreation and Development)

**HB 488-FN**, relative to certification of and fees for wetland scientists and changing the title of "natural scientists" to "soil scientists." (Laflam, Belk 2; Martin, Hills 34: Resources, Recreation and Development)

**HB 489-FN**, relative to licensing dietitians and allowing the board of registration in medicine to establish certain fees. (Sallada, Hills 4; I. Pratt, Ches 5; Currier, Dist 7: Executive Departments and Administration)

**HB 490-FN-L**, requiring tax collectors to provide notice to a mortgagee prior to extermination of its rights in property by issuance of a tax deed. (Noyes, Rock 26: Municipal and County Government)

**HB 491-FN**, requiring that milk products known to contain the genetically produced bovine somatotropin growth hormone be so labeled. (Coughlin, Merr 16: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 492-FN-L**, relative to credit in the New Hampshire retirement system for out-of-state service. (Callaghan, Straf 15; O'Rourke, Hills 39; LaMott, Graf 5; J. White, Hills 46; McCann, Straf 11: Executive Departments and Administration)

**HB 493-FN-L**, providing the county convention be comprised of elected members of the governing bodies from towns and cities rather than from the house of representatives. (R. Dodge, Rock 4: Municipal and County Government)

**HB 494-FN**, relative to the fee for analyses required by the federal Safe Drinking Water Act. (Dickinson, Carr 2; Conroy, Rock 13; Holbrook, Belk 7; Russman, Dist 19: Resources, Recreation and Development)

**HB 495-FN**, relative to the oil discharge and disposal cleanup fund and the fuel oil discharge cleanup fund and related fees. (Holbrook, Belk 7; J. Bradley, Carr 8: Resources, Recreation and Development)

**HB 496-FN**, eliminating the state-operated multiple DWI offender program and authorizing services to be provided by private providers. (Morello, Hills 38: Corrections and Criminal Justice)

**HB 497-FN**, relative to health insurance coverage for retirement system member spouses and dependents. (D. Sytek, Rock 26; Johnson, Dist 3: Executive Departments and Administration)

**HB 498-FN**, relative to administrative review of suspended or revoked motor vehicle licenses. (Lozeau, Hills 30: Corrections and Criminal Justice)

**HB 499-FN**, allowing school administrative personnel to authorize the use of police canine units for drug and weapon searches in schools. (Hutchinson, Rock 29: Education)

**HB 500**, providing for additional members and extending the reporting date for the committee to study suicide among young people established by 1994, 352:4-8. (Gagnon, Hills 48; Buessing, Merr 23; L. Foster, Hills 10; Hunter, Hills 7; D. Welch, Rock 18; Emerton, Hills 7; Danais, Dist 20; Johnson, Dist 3; J. King, Dist 18; Larsen, Dist 15; Podles, Dist 16: Judiciary and Family Law)

**HB 501-FN-L**, relative to public employee collective bargaining. (Baroody, Hills 42: Labor, Industrial and Rehabilitative Services)

**HB 502-FN**, amending the fiscal note law. (C. Brown, Graf 14: Finance)

**HB 503-FN**, requiring certain motorist service signs on limited access highways to be located before the appropriate intersection. (Ham, Graf 4: Public Works and Highways)

**HB 504-FN-L**, authorizing the department of revenue administration to return funds to the level recommended by a local budget committee or governing body for mandatory obligations which were reduced or eliminated by the local legislative body. (Larson, Graf 8: Municipal and County Government)

**HB 505-FN**, relative to the boiler and unfired pressure vessel inspection law, including certain fees. (Hunter, Hills 7; Rubin, Rock 25; Milligan, Hills 18; Fenton, Hills 24; R. Soucy, Hills 31: Labor, Industrial and Rehabilitative Services)

**HB 506-FN-A-L**, relative to the New Hampshire school food service program and making an appropriation therefor. (Larson, Graf 8: Education)

**HB 507-FN-L**, returning municipal ordinance fines to the municipalities. (Lockwood, Merr 9; O'Rourke, Hills 39: Finance)

**HB 508-FN**, relative to liability insurance coverage for foster parents. (D. Sytek, Rock 26; Bean, Graf 14; Below, Graf 13; J. King, Dist. 18: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 509-FN**, relative to payment dates under the interest and dividends tax. (Toomey, Hills 30; Lozeau, Hills 30; Hilliard, Straf 14; P. Philbrook, Hills 30: Finance)

**HB 510-FN**, relative to the sale of fireworks. (Hutchinson, Rock 29; L. Jean, Hill 17; Fenton, Hills 24; Hunter, Hills 7; Rubin, Rock 25: Public Protection and Veterans Affairs)

**HB 511-FN**, clarifying the department of labor's authority over third party administrators for workers' compensation. (R. Hawkins, Rock 20; Fraser, Dist 4: Labor, Industrial and Rehabilitative Services)

**HB 512-FN**, relative to special license plate stickers for persons whose licenses are suspended or revoked. (Hess, Merr 11: Transportation)

**HB 513-FN-L**, authorizing the department of justice to hire a special investigator to be funded through fees paid to the occupational regulatory boards and commissions. (Dowd, Rock 13; Boucher, Rock 29; Dowling, Rock 13; P. Katsakiores, Rock 13: Finance)

**HB 514-FN**, relative to hearing aid dealers and increasing the fees for persons seeking certification as hearing aid dealers. (Dowd, Rock 13; Copenhaver, Graf 10; Langer, Merr 11: Executive Departments and Administration)

**HB 515-FN**, authorizing the liquor commission to determine the location of agency stores, repealing the liquor and wine import warehouser license, and prohibiting liquor/wine/beverage warehouser licensees from holding other licenses under title XIII. (R. Kelley, Hills 18: Regulated Revenues)

**HB 516-FN-A-L**, requiring the port authority to establish a uniform system for marking the ports, harbors and navigable tidal rivers. (Merritt, Straf 8; Dickinson, Carr 2; Vaughn, Rock 35; Syracusa, Rock 33; Coes, Rock 19; Shaheen, Dist 21; Cohen, Dist 24: Transportation)

**HB 517-FN-L**, repealing the weighted voting provision relative to districts within an SAU, and providing the option for local districts to assume duties of the SAU business administrator. (Avery, Ches 8; Burnham, Ches 8: Education)

**HB 518-FN**, relative to increasing the value of abandoned property subject to reporting, changing the time period after which property is assumed to be abandoned, and changing the advertising and notice requirement for abandoned property. (B. Packard, Hills 19: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 519-FN-A**, relative to the duties of motor vehicle registration agents and certain state registration fees. (Dunn, Merr 24: Transportation)

**HB 520-FN-L**, relative to the regulation of rural electric cooperatives by the public utilities commission. (V. Clark, Rock 17; Rosen, Belk 7; Knowles, Straf 11: Science, Technology and Energy)

**HB 521-FN-L**, creating interagency family assistance teams for at-risk youth. (Arndt, Rock 27; I. Pratt, Ches 5; Holden, Hills 14; L. Foster, Hills 10; Hallyburton, Hills 12; Crosby, Merr 20; Podles, Dist 16: Judiciary and Family Law)

**HB 522-FN-L**, relative to withdrawal from a cooperative school district. (Jacobson, Merr 2; Rubens, Dist 5: Education)

**HB 523-FN-L**, requiring all eligible persons resident of the state of voting age and otherwise empowered to vote to report to their polling place on election day or pay a fine. (Hemon, Straf 11: Constitutional and Statutory Revision)

**HB 524-FN**, establishing an environmental trust fund and special motor vehicle license plate, and associated fees, to support New Hampshire's natural and cultural resources. (M. Fuller Clark, Rock 31; J. Bradley, Carr 8; F. King, Dist 1: Transportation)

**HB 525-FN**, relative to nonpublic sessions under the right-to-know law. (Cobbin, Graf 11; Mirski, Graf 12: Judiciary and Family Law)

**HB 526-FN**, relative to the elevator law, including certain fees. (Hunter, Hills 7; Milligan, Hills 18; Rubin, Rock 25: Labor, Industrial and Rehabilitative Services)

**HB 527-FN**, relative to changes in the unemployment compensation law. (Turner, Belk 7; Perkins, Hills 5; Johnson, Dist 3: Labor, Industrial and Rehabilitative Services)

**HB 528-FN**, authorizing the department of safety to issue special amateur radio operator plates and related fees. (Rosen, Belk 7; Kirby, Hills 24; McRae, Hills 7; Adler, Sull 5; Pelletier, Straf 12; Johnson, Dist 3: Transportation)

**HB 529-FN-L**, transferring certain property from the state to the town of Hampton Falls, New Hampshire. (Christie, Rock 22; K. Pratt, Rock 22; Coes, Rock 19; J. Kelley, Rock 22; Malcolm, Rock 22; Keough, Dist 23: Public Works and Highways)

**HB 530-FN**, transferring the functions and duties of the director of state ski operations. (Teschner, Graf 5; C. Chandler, Merr 8; Emerton, Hills 7; Schotanus, Sull 3: Resources, Recreation and Development)

**HB 531-FN**, relative to recounts, including certain fees. (Flanagan, Rock 14: Constitutional and Statutory Revision)

**HB 532-FN**, requiring a co-payment from inmates of any correctional facility for nonemergency, inmate-initiated medical care. (D. Sytek, Rock 26; Kurk, Hills 5: Corrections and Criminal Justice)

**HB 533-FN**, relative to retirement benefits for the state treasurer. (R. Hawkins, Rock 20: Executive Departments and Administration)

**CACR 5**, relating to the role of the governor and repealing articles relative to the judiciary. Providing that the governor shall be the supreme executive magistrate, and that articles relative to the judicial powers of the courts and the supreme court and its administration shall be repealed. (Hemon, Straf 11; Bergeron, Hills 28; Cobbin, Graf 11; Constitutional and Statutory Revision)

**CACR 6**, relating to indirect initiative petition. Providing that statutes may be proposed by citizen petition to the general court. (Hall, Hills 20; Rubens, Dist 5: Constitutional and Statutory Revision)

**CACR 7**, relating to requiring that the attorney general be elected. Providing that the attorney general be chosen biennially in the general election. (McCann, Straf 11; Gorman, Rock 8; Hambrick, Straf 7; Cohen, Dist 24: Constitutional and Statutory Revision)

**HCR 4**, relative to the Republic of China on Taiwan. (Gage, Rock 26; Feng, Hills 23; O'Rourke, Hills 39; Colantuono, Dist 14; J. King, Dist 18: State-Federal Relations)

**HR 11**, urging Congress to pass a Constitutional amendment authorizing school prayer. (Pepino, Hills 40: State-Federal Relations)

**HJR 4**, urging the United States Environmental Protection Agency to make certain changes in the Clean Air Act amendments which would enable states to better comply with the law. (J. Bradley, Carr 8; A. Merrill, Straf 8; Burnham, Ches 8; Aranda, Rock 13; Pignatelli, Dist 13; Russman, Dist 19: Science, Technology and Energy)

## RECESS

(Rep. Stone in the Chair)

## RESOLUTION

Rep. Robert Hawkins offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 534 through 559, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

### First, second reading and referral

**HB 534-FN**, relative to the duties of the secretary of state. (Mittelman, Hills 37: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 535-FN-A-L**, establishing a proportional statewide property tax to provide equal per student funding for state-mandated education, funding for kindergarten, local property tax relief for certain highly taxed municipalities and taxpayers and making an appropriation therefor. (Allen, Hills 1; Weeks, Merr 18: Finance)

**HB 536-FN-A-L**, designating certain taxes and revenue to fund public kindergarten. (R. Hawkins, Rock 20: Regulated Revenues)

**HB 537**, requiring an annotation of federal authority in administrative rules adopted under federal authority. (Cobbin, Graf 11, Mirski, Graf 12: Executive Departments and Administration)

**HB 538-FN-L**, relative to DCYF enforcement of financial liability of responsible parties, authorizing DCYF to pay for ancillary services without a court order, and removing the requirement that advisory board consult in rate setting. (C. Brown, Graf 14: Judiciary and Family Law)

**HB 539-FN**, making certain changes to the legacy and succession tax. (D. Sytek, Rock 26: Finance)

**HB 540-FN-L**, relative to registration and public notification of information regarding serious felony offenders and sexual offenders. (Hess, Merr 11: Corrections and Criminal Justice)

**HB 541-FN-L**, making the state court system financially self-supporting. (Raynowska, Rock 26; Weyler, Rock 18; Noyes, Rock 26; F. Riley, Hills 44: Judiciary and Family Law)

**HB 542-FN**, requiring certification and certification fees for nonattorneys who act as taxpayer representatives before municipalities and the board of tax and land appeals and providing for regulation of such taxpayer representatives. (Dowling, Rock 13; Barnes, Dist 17; Stawasz, Dist 12: Executive Departments and Administration)

**HB 543-FN**, imposing a surcharge on fines and default payments which are overdue to the division of motor vehicles. (J. Bradley, Carr 8; Roberge, Dist 9; Colantuono, Dist 14: Judiciary and Family Law)

**HB 544-FN-A-L**, providing for property tax relief and making an appropriation therefor. (Kurk, Hills 5; D. Sytek, Rock 26; Teschner, Graf 5: Finance)

**HB 545-FN**, relative to child support collection and related rulemaking authority of the director of human services. (J. Brown, Straf 17; Copenhagen, Graf 10; Podles, Dist 16: Judiciary and Family Law)

**HB 546-FN-A-L**, relative to a statewide school tax on income and making an appropriation therefor. (Jacobson, Merr 2: Finance)

**HB 547-FN-L**, establishing a retirement system for volunteer firefighters. (Dyer, Hills 8; Amidon, Hills 9; Peters, Hills 8; W. Riley, Ches 7; Currier, Dist 7: Executive Departments and Administration)

**HB 548-FN**, relative to license fees for the transport of hazardous materials and waste. (J. Chandler, Merr 1; Russman, Dist 19: Transportation)

**HB 549-FN**, crediting certain sums collected by the banking department to the department's consumer credit administration division, repealing the debt adjuster's license fund, and replacing the small loan license fund with the consumer credit administration license fund. (Lindblade, Sull 7; Fraser, Dist 4: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 550-FN-A-L**, designating certain taxes and revenue to fund public kindergarten and making an appropriation therefor, and repealing certain tax credits and a tax carry forward credit. (Durham, Hills 22; Searles, Hills 23; Gordon, Dist 2; F. King, Dist 1: Education)

**HB 551-FN-L**, relative to the denial or revocation of drivers', occupational, and sporting licenses for nonpayment of child support. (Kurk, Hills 5; Bean, Graf 14; B. Packard, Hills 19; Buckley, Hills 44; Barnes, Dist 17; Russman, Dist 19; Shaheen, Dist 21; Roberge, Dist 9: Judiciary and Family Law)

**HB 552-FN**, relative to the design and the display of the state flag. (Jacobson, Merr 2: Public Protection and Veterans Affairs)

**HB 553-FN-A-L**, relative to workers' compensation coverage for emergency services employees who contract blood transmitted diseases and making an appropriation therefor. (Gage, Rock 26: Labor, Industrial and Rehabilitative Services)

**HB 554-FN-L**, relative to health insurance for workers' compensation recipients. (DePecol, Ches 14: Labor, Industrial and Rehabilitative Services)

**HB 555-FN**, requiring certificates of title and title fees for OHRVs. (S. Packard, Rock 29: Transportation)

**HB 556-FN**, regulating rate modifications for accident and health insurance policies and requiring all vendors of medical and surgical benefits contracting with the state to comply with the same financing mechanism as the approved principal vendor. (Crory, Graf 10; Syracuse, Rock 33; Lindblade, Sull 7; M. Fuller Clark; Rock 31: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 557-FN**, relative to the procedures of the central registry under the division for children, youth, and families. (Lyman, Carr 5; Holley, Hills 28; Johnson, Dist 3: Judiciary and Family Law)

**HB 558-FN-A**, requiring all nonprofit health insurers to pay the premium tax. (R. Wheeler, Hills 7: Finance)

**HB 559-FN-A**, relative to the distribution of the meals and rooms tax and establishing a committee to study the balance between the cost to communities of out-of-state industry and

retail business operating in the community and the benefits to the community of such out-of-state industry and retail business as regards the meals and rooms tax. (Cooper, Carr 2; Dickinson, Carr 2; Kenney, Carr 6; Robertson, Ches 18: Finance)

## RECESS

(Rep. Dykstra in the Chair)

## RESOLUTION

Rep. Thomas Cain offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 10 and 11 and 560 through 650, Constitutional Amendment Concurrent Resolutions numbered 8 and 12 through 16 and House Concurrent Resolutions numbered 5 and 6, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS, CACRs and HCRs

**HB 10**, correcting references in the statutes to house and senate standing committee names. (A. Torr, Straf 12; Trombly, Merr 4; Barnes, Dist 17; J. King, Dist 18: Legislative Administration)

**HB 11**, relative to certain statutory and chapter law study committees. (A. Torr, Straf 12; Trombly, Merr 4; Barnes, Dist 17; J. King, Dist 18: Legislative Administration)

**HB 560-FN-A**, establishing a residential care pilot program and making an appropriation therefor. (Lynch, Ches 19; Amidon, Hills 9; Chabot, Hills 48; Blaisdell, Dist 10; J. King, Dist 18; Currier, Dist 7: Health, Human Services and Elderly Affairs)

**HB 561-FN**, repealing the workers' compensation commission. (C. Brown, Graf 14: Executive Departments and Administration)

**HB 562-FN**, relative to accidental death benefits and college tuition benefits for the surviving spouse and children of certain deceased group II members. (O'Rourke, Hills 39; LaMott, Graf 5; J. White, Hills 46; McCann, Straf 11: Executive Departments and Administration)

**HB 563-FN**, relative to the repair and maintenance of the road from New Hampshire route 10 to Bedell Bridge state park and relative to the construction of a boat launch at the park. (Teschner, Graf 5; G. Chandler, Carr 1; LaMott, Graf 5; Pfaff, Merr 11; M. Whalley, Merr 5; Gordon, Dist 2: Public Works and Highways)

**HB 564-FN-A**, requiring the University of New Hampshire, in conjunction with the department of environmental services, the department of health and human services, and the department of transportation, to study the impact of road salts and making an appropriation therefor. (Burnham, Ches 8; J. Bradley, Carr 8: Public Works and Highways)

**HB 565-FN-L**, requiring the state to reimburse municipalities for a percentage of the costs of municipal services provided to state facilities and state university system property. (McGovern, Rock 35; Tucker, Graf 7; Loder, Straf 8; Blaisdell, Dist 10; Larsen, Dist 15: Finance)

**HB 566-FN-L**, relative to AIDS testing for persons performing a public service. (Arnold, Hills 20: Health, Human Services and Elderly Affairs)

**HB 567-FN**, requiring attorneys who write wills for New Hampshire residents to provide certain information to the supreme court, and requiring the supreme court to establish a computerized storage method for this information. (Sallada, Hills 4: Judiciary and Family Law)

**HB 568-FN**, relative to the sale of pharmaceutical drugs. (Lindblade, Sull 7: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 569**, establishing a committee to review and make recommendations concerning the administrative practices of the public employee labor relations board. (Kurk, Hills 5; Currier, Dist 7: Executive Departments and Administration)

**HB 570-FN-A**, relative to the definition of restaurant for the purposes of the meals and rooms tax. (McCann, Straf 11; Podles, Dist 16: Finance)

**HB 571-FN**, relative to use of per diem compensation by state boards and commissions and by the state to pay certain costs of employing superior court bailiffs; increasing the pay of parole board members; and requiring a termination provision for advisory committees. (Klemm, Rock 28; Boucher, Rock 29; D. Sytek, Rock 26; Colantuono, Dist 14: Executive Departments and Administration)



**HB 572-FN-A**, relative to the exemption for hospitals under the meals and rooms tax. (Buckley, Hills 44; D. Soucy, Hills 42; M. Fuller Clark, Rock 31; J. King, Dist 18; Pignatelli, Dist 13; Blaisdell, Dist 10: Finance)

**HB 573-FN-L**, including ferrets in the law requiring rabies vaccinations. (L'Heureux, Hills 18; K. Wheeler, Straf 8; Brundige, Hills 18; Roberge, Dist 9: Environment and Agriculture)

**HB 574-FN-L**, requiring seatbelts on all buses transporting school children. (Pantelakos, Rock 30; C. Kane, Rock 34; Splaine, Rock 36: Transportation)

**HB 575-FN-L**, requiring certificates of title for vessels. (Malcolm, Rock 22; Bartlett, Belk 6: Transportation)

**HB 576-FN**, relative to genetic testing. (Below, Graf 13; Kurk, Hills 5; Ferguson, Hills 13; J. Bradley, Carr 8; A. Merrill, Straf 8; Gordon, Dist 2; Rubens, Dist 5; Cohen, Dist 24: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 577-FN**, altering the jurisdictional boundaries of the Northern Carroll County district court and the Plymouth-Lincoln district court. (G. Chandler, Carr 1; Mock, Carr 3; Dickinson, Carr 2: Judiciary and Family Law)

**HB 578-FN**, requiring juvenile case and court records to be unsealed in certain cases. (Arnold, Hills 20; L. Jean, Hills 17; Stawasz, Dist 12: Corrections and Criminal Justice)

**HB 579-FN**, requiring the executive director of fish and game to report to the general court relative to the bear and moose management funds. (Mock, Carr 3; G. Chandler, Carr 1; LaMott, Graf 5; Cohen, Dist 24: Finance)

**HB 580-FN**, allowing the formation of and regulating limited liability partnerships and providing for registration fees. (Mercer, Hills 27; Syracuse, Rock 33: Commerce, Small Business, Consumer Affairs, and Economic Development)

**HB 581-FN**, authorizing the department of environmental services, division of water resources, to acquire certain dams. (R. McKinley, Straf 2; Spear, Straf 5; Nehring, Straf 1; Johnson, Dist 3: Resources, Recreation and Development)

**HB 582-FN**, designating a portion of New Hampshire route 25 the Mount Moosilauke Highway. (A. Brown, Graf 9; MacNeil, Graf 7; Teschner, Graf 5; Gordon, Dist 2: Public Works and Highways)

**HB 583-A**, requiring the state to reopen Mittersill ski area and making an appropriation therefor. (W. Williams, Graf 3; C. Chandler, Merr 8; Connolly, Graf 1; Steere, Ches 11; Hill, Graf 1; Eaton, Graf 1; Gordon, Dist 2; F. King, Dist 1: Public Works and Highways)

**HB 584-FN-L**, relative to payment in lieu of taxes for the dam owned by the division of water resources in Pittsburg and Clarksville. (G. Merrill, Coos 1; Davis, Coos 1; F. King, Dist 1: Resources, Recreation and Development)

**HB 585-FN-L**, exempting certain vessels from the state vessel registration fee and the boat fee. (Syracuse, Rock 33: Transportation)

**HB 586-FN**, suspending the salary and benefits of any judge suspended by the supreme court for misconduct. (D. Sytek, Rock 26, Gordon, Dist 2: Judiciary and Family Law)

**HB 587-FN**, permitting department heads to authorize travel expenses. (Copenhaver, Graf 10; LaMott, Graf 5: Finance)

**HB 588-FN-L**, relative to license fees for dogs and cats. (K. Wheeler, Straf 8; Dickinson, Carr 2; Cohen, Dist 24; Roberge, Dist 9: Municipal and County Government)

**HB 589-FN**, excluding convicted felons from serving on juries. (Mittelman, Hills 37; Battles, Rock 18: Judiciary and Family Law)

**HB 590-FN**, requiring all advertising for all forms of gambling in the state to include a statement or disclaimer of the odds of winning. (Splaine, Rock 36; Syracuse, Rock 33; Kingsbury, Ches 16; Vaughn, Rock 35; Jacobson, Merr 2: Regulated Revenues)

**HB 591-FN**, relative to forming a joint committee on boards and commissions orientation. (Emerton, Hills 7; Dyer, Hills 8: Executive Departments and Administration)

**HB 592-FN-A**, relative to pledges raised by the community development finance authority. (Newland, Merr 15; Weeks, Merr 18; Hawkinson, Coos 7; Larsen, Dist 15; Blaisdell, Dist 10; F. King, Dist 1; Cohen, Dist 24: Finance)

**HB 593-FN**, requiring the supreme court and the attorney general to release all confidential and nonconfidential materials relative to former Judge John C. Fairbanks and requesting the

Nevada attorney general to release all confidential and nonconfidential materials on former Judge Fairbanks. (Hemon, Straf 11; Bergeron, Hills 28; Cobbin, Graf 11; Hurst, Rock 22; W. McCann, Straf 11; Rubens, Dist 5: Judiciary and Family Law)

**HB 594-FN-L**, requiring employers to report to the department of employment security the names of individuals hired or rehired, which information is used by the division of human services in child support enforcement. (Kurk, Hills 5; B. Packard, Hills 19; Bean, Graf 14; Buckley, Hills 44; Shaheen, Dist 21; Roberge Dist 9: Judiciary and Family Law)

**HB 595-FN**, repealing the 120-day statute of limitations for tax refunds or credit claims based on constitutional grounds. (Jacobson, Merr 2: Finance)

**HB 596-FN-L**, relative to the use of compensatory time for municipal employees. (Peyron, Sull 4: Labor, Industrial and Rehabilitative Services)

**HB 597-FN-L**, assessing taxes on gambling winnings to fund public kindergarten. (R. Wollner, Ches 17; Hilliard, Straf 14; Champagne, Ches 19; McCann, Straf 11: Education)

**HB 598-FN**, relative to the healthy kids act. (M. Wallner, Merr 24; Nordgren, Graf 10; Weeks, Merr 18; M. Hawkinson, Coos 7; Larsen, Dist 15: Health, Human Services and Elderly Affairs)

**HB 599-FN**, licensing, regulating and taxing video gambling machine use. (Laughlin, Hills 41; Vincent, Straf 14: Regulated Revenues)

**HB 600-FN**, relative to unclassified employees. (Pepino, Hills 40: Executive Departments and Administration)

**HB 601-FN**, relative to medical and retirement benefits for a former group II member of the New Hampshire retirement system. (Christie, Rock 22: Executive Departments and Administration)

**HB 602-FN**, authorizing the pari-mutuel commission to license electronic games of chance at certain pari-mutuel facilities. (Milligan, Hills 18; Lundborn, Straf 18; McGuirk, Ches 1; Russell, Ches 15; P. Wells, Hills 16: Regulated Revenues)

**HB 603-FN**, authorizing the sweepstakes commission to construct and administer a casino establishment at the former Pease Air Force Base. (Hutchinson, Rock 29; Hurst, Rock 22: Regulated Revenues)

**HB 604-FN-L**, abolishing the Pittsfield district court. (Lockwood, Merr 9: Judiciary and Family Law)

**HB 605-FN**, requiring boating safety education. (Syracusa, Rock 33; Bartlett, Belk 6; Vaughn, Rock 35; D. Richards, Rock 23; Merritt, Straf 8; Crossman, Rock 32; Cohen, Dist 24: Resources, Recreation and Development)

**HB 606-L**, excluding certain welfare recipients from the definition of public employee under the workers' compensation law. (Syracusa, Rock 33; Vaughn, Rock 35; M. Fuller Clark, Rock 31; Pantelakos, Rock 30; Cohen, Dist 24: Labor, Industrial and Rehabilitative Services)

**HB 607-FN**, decreasing the waiver amounts necessary for the owner of a vehicle to be issued a certificate of exemption under the motor vehicle emissions laws and exempting 1974 and older model vehicles from the emissions laws. (J. Bradley, Carr 8; Messier, Hills 46; Kurk, Hills 5; Russman, Dist 19; Pignatelli, Dist 13; Shaheen, Dist 21: Science, Technology and Energy)

**HB 608-FN**, relative to the authority of health maintenance organizations. (Lindblade, Sull 7; Hill, Graf 1; Hunt, Ches 10; Syracuse, Rock 33; Crory, Graf 10: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 609-FN-L**, relative to payment for HIV testing under workers' compensation. (Pfaff, Merr 11; Hess, Merr 11; Gage, Rock 26; Wheeler, Dist 11: Labor, Industrial and Rehabilitative Services)

**HB 610-L**, integrating changes in the municipal budget act into the laws relating to towns and school districts. (R. Wheeler, Hills 7; Larson, Graf 8: Municipal and County Government)

**HB 611-FN-L**, establishing an optional program allowing a tax credit for part of the school portion of local property tax for individuals who home school their children. (Gorman, Rock 8; McClarín, Hills 33; Fenton, Hills 24; Dickinson, Carr 2: Municipal and County Government)

**HB 612-FN**, requiring the attorney general to bring suit against the United States Government for violating the United States Constitution and the New Hampshire constitution by enacting a military firearms ban. (Mirski, Graf 12; Morris, Rock 27; Cobbin, Graf 11; Krochmal, Hills 45; F. King, Dist 1: Judiciary and Family Law)

**HB 613-FN**, relative to protection and control of certain highways. (Pfaff, Merr 11; Dickinson, Carr 2; Schotanus, Sull 3; D. Scanlan, Graf 11; P. Wells, Hills 16; F. King, Dist 1; Roberge, Dist 9: Public Works and Highways)

**HB 614-FN-L**, to provide an additional service retirement option for group I teacher members of the retirement system. (C. Jean, Hills 32; Holden, Hills 14; Pignatelli, Dist 13; Stawasz, Dist 12: Executive Departments and Administration)

**HB 615-FN-A**, establishing a new statewide tax on land values to fund the division of mental health and developmental services and establishing a homestead exemption. (Noyes, Rock 26; Fenton, Hills 24; Manning, Ches 9: Finance)

**HB 616**, relative to scenic byways. (M. Fuller Clark, Rock 31; Keans, Straf 16: Public Works and Highways)

**HB 617-L**, allowing municipalities to exclude civil service pensions from income limitations for the purposes of qualifying for elderly tax exemptions. (M. Fuller Clark, Rock 31; Kirby, Hills 24; Splaine, Rock 36: Municipal and County Government)

**HB 618-FN**, requiring the department of safety to keep drivers' records confidential except for certain reasons. (Kurk, Hills 5; D. Sytek, Rock 26; Ferguson, Hills 13; T. Cain, Belk 3; Robertson, Ches 18; Johnson, Dist 3; Russman, Dist 19; Gordon, Dist 2: Transportation)

**HB 619-FN-A-L**, establishing the constitutional defense oversight committee and making an appropriation therefor. (Gorman, Rock 8; Mirski, Graf 12; Fenton, Hills 24; L. Jean, Hills 17; Wheeler, Dist 11: Judiciary and Family Law)

**HB 620-FN**, relative to mandatory prelitigation screening and mediation panels for professional negligence claims. (Senter, Rock 16; Flanagan, Rock 14; J. Wall, Straf 9; I. Pratt, Ches 5; Keough, Dist 23: Judiciary and Family Law)

**HB 621-FN**, relative to the acquisition of electric service by the Pease development authority. (Syracusa, Rock 33; A. Merrill, Straf 8; Shaheen, Dist 21: Science, Technology and Energy)

**HB 622**, relative to distributing political campaign literature at polling places on election day. (Buckley, Hills 44; Hilliard, Straf 14; R. Wollner, Ches 17: Constitutional and Statutory Revision)

**HB 623**, expanding the membership of the state conservation committee. (Teschner, Graf 5; Copenhaver, Graf 10; Royce, Ches 9; Russman, Dist 19: Environment and Agriculture)

**HB 624-FN-A-L**, relative to a local land use board training program and making an appropriation therefor. (Metzger, Ches 13; L. Foster, Hills 10; M. Whalley, Merr 5; Ham, Graf 4; Schotanus, Sull 3: Executive Departments and Administration)

**HB 625**, relative to small power producers, qualifying cogenerators, and payment for the purchase of the output of certain facilities. (Dickinson, Carr 2: Science, Technology and Energy)

**HB 626-FN**, establishing a shoreline structures board and relative to the regulation of certain impact projects. (Bartlett, Belk 6; Ziegra, Belk 5; Turner, Belk 7; Johnson, Dist 3; Fraser, Dist 4: Resources, Recreation and Development)

**HB 627**, requiring the New Hampshire commission on interstate cooperation to renegotiate the interstate solid waste compact. (Burnham, Ches 8; Musler, Straf 6; Trelfa, Graf 2; Aranda, Rock 13: Environment and Agriculture)

**HB 628**, limiting liability of members of juvenile diversion committees or boards, supervisors of juveniles in diversion programs, and owners of property on which juvenile diversion programs are conducted. (Mirski, Graf 12; Rubens, Dist 5: Judiciary and Family Law)

**HB 629**, relative to the placement of political campaign signs. (Pelletier, Straf 12: Public Works and Highways)

**HB 630**, recodifying and revising the forestry laws. (Dickinson, Carr 2; Peyron, Sull 4; Schotanus, Sull 3; Laflam, Belk 2; D. Scanlan, Graf 11; F. King, Dist. 1; Russman, Dist 19: Resources, Recreation and Development)

**HB 631**, designating the New Hampshire tartan. (Avery, Ches 8; D. Scanlan, Graf 11; Currier, Dist 7: Executive Departments and Administration)

**HB 632**, relative to repealing laws providing for straight ticket voting, repealing laws that give preferential ballot position to the incumbent majority party, and prohibiting a candidate from being the nominee of more than one party. (A. Merrill, Straf 8; Trombly, Merr 4; Coes, Rock 19; P. Philbrook, Hills 30; Splaine, Rock 36; Shaheen, Dist 21; Cohen, Dist 24; J. King, Dist 18: Constitutional and Statutory Revision)

**HB 633-L**, expanding the definition of "compact area" within a town or city. (Nordgren, Graf 10; Copenhagen, Graf 10; Guest, Graf 10; Crory, Graf 10: Municipal and County Government)

**HB 634-L**, allowing an amount to be assessed as part of village district property tax rates to be used to reimburse municipalities for paying village district tax abatements and interest. (Malcolm, Rock 22; Christie, Rock 22: Municipal and County Government)

**HB 635-L**, relative to expenditures by local land use boards. (G. Brown, Straf 17: Municipal and County Government)

**HB 636-FN**, prohibiting certain advertising devices on scenic and cultural byways. (M. Fuller Clark, Rock 31; Conroy, Rock 13; J. Bradley, Carr 8; Rogers, Merr 22; Russman, Dist 19: Public Works and Highways)

**HB 637-L**, relative to a local option fee for public transportation. (M. Fuller Clark, Rock 31; Weyler, Rock 18; Senter, Rock 16; Burnham, Ches 8; Russman, Dist 19; Cohen, Dist 24: Transportation)

**HB 638-FN-A**, relative to creating a centralized computerized checklist and making an appropriation therefor. (M. Fuller Clark, Rock 31; McGovern, Rock 35; Cohen, Dist 24; Pignatelli, Dist 13: Constitutional and Statutory Revision)

**HB 639-FN**, reclassifying portions of certain roads in the towns of Sugar Hill and Albany. (D. Philbrick, Carr 4; W. Williams, Graf 3: Public Works and Highways)

**HB 640-L**, establishing procedures to provide voters an opportunity to establish a budget committee by ballot vote at the general election. (Noyes, Rock 26; Larson, Graf 8: Constitutional and Statutory Revision)

**HB 641-FN**, relative to regulation of mortgage loan servicing companies by the banking department and requiring mortgage loan servicing companies to register with and pay registration fees to the department. (Hunt, Ches 10; Fraser, Dist 4: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 642-FN-A-L**, to extend NH Public Television services to all New Hampshire public schools, grades K-12, and making an appropriation therefor. (Larson, Graf 8: Finance)

**HB 643**, allowing cruise ships, the primary purpose of which is tourism, to come into New Hampshire waters if their gambling machines are shut down. (Syracusa, Rock 33; Vaughn, Rock 35; Pantelakos, Rock 30: Commerce, Small Business, Consumer Affairs and Economic Development)

**HB 644-FN-L**, relative to fees for issuing low digit and single letter license plates and using the funds to provide financial aid to cities and towns for transporting school children to kindergarten. (Trombly, Merr 4; J. Kelley, Rock 22; A. Merrill, Straf 8; Cohen, Dist 24; Shaheen, Dist 21: Transportation)

**HB 645**, prohibiting contracts between health maintenance organizations and physicians from containing clauses limiting the liability of the health maintenance organization for actions of the physician for which the health maintenance organization might otherwise have liability. (M. Fuller Clark, Rock 31; Syracuse, Rock 33; Lindblade, Sull 7; K. Wheeler, Straf 8; Cohen, Dist 24: Judiciary and Family Law)

**HB 646-L**, relative to the use of county real property. (R. Wheeler, Hills 7; Kurk, Hills 5: Municipal and County Government)

**HB 647-FN-A**, establishing a municipal bridge repair and a department of transportation "on the shelf" program and continually appropriating the municipal bridge repair and the department of transportation "on the shelf" account. (R. Wheeler, Hills 7: Public Works and Highways)

**HB 648-L**, eliminating municipal responsibility to provide, or assure access to, an approved solid waste facility. (MacGillivray, Hills 21: Environment and Agriculture)

**HB 649-FN-L**, relative to independent contractors under workers' compensation. (Turner, Belk 7; Palmer, Sull 11; Mears, Coos 7; McNamara, Ches 3; Barnes, Dist 17: Labor, Industrial and Rehabilitative Services)

**HB 650-FN-A**, concerning youth access to tobacco and making an appropriation therefor. (D. Sytek, Rock 26; Buckley, Hills 44; R. Foster, Carr 10; D. Holt, Hills 35; Cloutier, Sull 8; Currier, Dist 7; Russman, Dist 19; Shaheen, Dist 21: Commerce, Small Business, Consumer Affairs and Economic Development)

**CACR 8**, relating to the governor's appearance before a monthly joint legislative session. Providing that the governor shall appear monthly before a joint legislative session for a one-

hour question and answer period from January 1 until the end of the legislative session. (Hilliard, Straf 14; D. Soucy, Hills 42; R. Wollner, Ches 17; Buckley, Hills 44; McCann, Straf 11; Cohen, Dist 24: Constitutional and Statutory Revision)

**CACR 12**, relating to changing the minimum age requirement for governor, senator, and executive councilor from 30 to 25. Providing that no person shall be capable of being elected as governor, senator, or executive councilor who is not at least 25 years of age. (Hilliard, Straf 14; D. Soucy, Hills 42; Buckley, Hills 44; McCann, Straf 11; R. Wollner, Ches 17: Constitutional and Statutory Revision)

**CACR 13**, relating to changing the highway fund to a transportation fund to comply with the Intermodal Surface Transportation Efficiency Act. Providing that highway fund moneys may be appropriated for transportation, and that revenue from common carriers shall be appropriated to the transportation fund. (Senter, Rock 16; J. Chandler, Merr 1; M. Fuller Clark, Rock 31: Constitutional and Statutory Revision)

**CACR 14**, relating to the appointment of county attorneys and county sheriffs by the chief justice of the supreme court. Providing that beginning in 1998, county attorneys and county sheriffs shall be appointed by the chief justice of the supreme court, instead of elected, and shall serve under the direction of the attorney general. (R. Wollner, Ches 17: Constitutional and Statutory Revision)

**CACR 15**, relating to revenue base sharing. Providing that each year at least 50 percent of all general fund revenues resulting from any new taxes or fees and increases in rates of existing taxes or fees be returned to the cities, towns, school districts, and counties to assist in property tax relief. (Coughlin, Merr 16: Constitutional and Statutory Revision)

**CACR 16**, relating to municipalities' home rule. Providing that municipalities shall have home rule authority to exercise any powers not specifically prohibited by the state or federal constitutions or any statute adopted by the legislature. (Trombly, Merr 4; Gorman, Rock 8; R. Wheeler, Hills 7; Hallyburton, Hills 12; Shaheen, Dist 21: Constitutional and Statutory Revision)

**HCR 5**, requesting Congress to adopt as part of the Contract with America procedures for instituting a constitutional amendment prohibiting desecration of the United States flag. (Pepino, Hills 40; Pfaff, Merr 11; Fenton, Hills 24; Podles, Dist 16; Wheeler, Dist 11: Public Protection and Veterans Affairs)

**HCR 6**, encouraging the establishment of an action plan for balanced competition in the federal system. (Dickinson, Carr 2; C. Brown, Graf 14; Gage, Rock 26; Wheeler, Dist 11; J. King, Dist 18: State-Federal Relations)

## RECESS

(Rep. Schotanus in the Chair)

## RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 651, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

## INTRODUCTION OF HOUSE BILL

### First, second reading and referral

**HB 651-FN-A**, extending the date for the submission of a river basin planning and assessment program by the department of environmental services and making an appropriation therefor. (Conroy, Rock 13; Laflam, Belk 2; Russman, Dist 19: Resources, Recreation and Development)

## RECESS

(Rep. Whalley in the Chair)

## RESOLUTION

Rep. Felch offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 652 and 653, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 652-FN-L**, allowing criminal action after a juvenile offender's nineteenth birthday in certain circumstances, and making technical changes to the juvenile delinquency provisions. (D. Sytek, Rock 26; Gordon, Dist 2: Corrections and Criminal Justice)

**HB 653**, allowing the board of manufactured housing to adopt interim rules. (Lozeau, Hills 30: Commerce, Small Business, Consumer Affairs and Economic Development)

Rep. Cole moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 4

Thursday, January 26, 1995

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

Oh God of the powerless, inspire us this day to make decisions, speak words and encourage one another in ways that honor Your compassion. When we are tempted by certainty, show us the way to truth. When we are inclined to judge, help us to be more gracious. And as You have demonstrated over the centuries Your desire to defend the powerless and liberate the oppressed, enable us through word and deed to be an experience of good news for the poor and justice for all. Amen.

Rep. Bishop led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Lee, Morrill, Hansen, Delano, Healy, Barry, Knowles, Dowd and Gargiulo, the day, illness.

Reps. Reynolds, Linda Ann Smith, Dykstra, Moncrief, Hall and McClarin, the day, important business.

Rep. Chabot, the day, death in the family.

Reps. Charles Cote, Greenleaf and Coughlin, the day, illness in the family.

### INTRODUCTION OF GUESTS

Former Representative Juanita Bell, guest of Rep. Julie Brown. Elizabeth, Daniel, Rachel, Thomas, Michael and Baby Adams, wife and children of Rep. Stephen Adams. Kathy, Patrick and Nora Scanlan and Sue Allaire, wife, children and guest of Rep. David Scanlon. Hannelore and Samuel Brunt; Anita, Jonathan, Christine and Matthew Low; Isaiah, Noah, Lydia and Jordon Wells; Beverly and Luke Stoughton, guests of Rep. Arthur Smith. Mark Dunn, son of Rep. Dunn.

### COMMUNICATIONS

January 16, 1995

Hon. Harold W. Burns, Speaker

I deeply regret that, due to ill health, I must resign my position as a member of the House of Representatives in the 9th District (Rockingham County) effective immediately.

My recent election to this prestigious body was one of the most satisfying events of my life. I was pleased and honored when my fellow citizens selected me to represent them in the Great and General Court and I was eager to serve them to the best of my abilities for the next two years.

However, injuries sustained in a serious automobile accident two years ago, coupled with my diabetes and other ailments, have caused my health to deteriorate to a point where I feel I would not be able to represent my constituents in the manner they deserve. It has become difficult for me to sit or stand or walk for prolonged periods of time. I now need frequent bed rest.

I wish to thank you and all the others in the Legislature as well as all the other great people in our State Capital who have extended their courtesies to me and, most of all, I wish to thank all my constituents for their enthusiastic support over the years. I hope, someday, to be well enough to ask to be returned to the Legislature so I may be able to give them the tireless, dedicated representation they deserve.

Joseph F. Michelin, Sandown

The Speaker accepted the resignation with regret.

January 11, 1995

Speaker of the House

Enclosed is a copy of House Concurrent Resolution 372, which was adopted by the Pennsylvania House of Representatives on October 5, 1994 and the Senate on November 16, 1994.

This Resolution is sent to you for your consideration in accordance with the directions contained in said Resolution.

John J. Zubeck, Chief House Clerk

State Treasurer, Georgie A. Thomas, addressed the House.

### AMENDMENTS TO HOUSE RULES

The Rules Committee offered the following:

House rule 8 is repealed and reenacted to read as follows:

8.(a) The following persons shall be admitted within the door of the Representatives' chamber while the House is in session: House members and officers, the Governor, Council members, Senate members, the Secretary of State, the Treasurer and Senate Clerks.

(b) No other person shall be admitted within the door of the Representatives' chamber except with the permission of the Chair.

(c) No lobbyist, department head or other non-member who is closely connected with legislation pending before the House shall be permitted on the floor of the House or in the House Sergeant-at-Arms area while the House is in session.

House rule 16 is repealed and reenacted to read as follows:

16. In all instances, every member shall act in conformance with the duly adopted New Hampshire General Court Ethics Guidelines and Procedures and opinions of the Legislative Ethics Committee.

House rule 19 is repealed and reenacted to read as follows:

19.(a) When any question is under debate, no motion shall be received, but first: to adjourn; second: to lay on the table; third: for the previous question; fourth: to postpone to a certain day; fifth: to commit; sixth: to amend; seventh: to postpone indefinitely. These motions shall have precedence in order in which they are listed. Motions to adjourn, to lay on the table, for the previous question, and to take from the table shall be decided without debate. A motion to postpone to a certain day shall be debatable both as to time and subject matter.

No vote on a motion to lay on the table a Constitutional Amendment Concurrent Resolution shall pass unless approved by an affirmative vote of three-fifths of the entire House membership.

(b) When a question is postponed indefinitely, it shall not be acted on during the same session, unless two-thirds of those members present and voting vote in favor thereof.

(c) On a motion to amend, the refusal by the maker of the amendment to strike out words shall neither preclude amendment to such words nor a motion to strike out and insert.

(d) A motion for commitment shall preclude all amendments to the main question until it is decided; and all motions and reports may be committed at the pleasure of the House.

(e) No new motion shall be admitted under color of amendment as a substitute for the motion under debate.

House rule 21 is repealed and reenacted to read as follows:

21.(a) There shall be three forms of putting the question: voice vote, division vote, roll call vote. No member shall vote in any case when the member was not present when the question was put.

(b) The question put by voice vote shall be: "All those in favor of the question say 'aye,'" and after the affirmative vote is expressed, "Those of a contrary opinion say 'no.'"

(c) A division vote shall be taken if the Speaker doubts the voice vote or if a member calls for a division vote. When a division of the House is taken, the Speaker may appoint a teller for each seating division of the House, who shall report to the Chair the state of the vote.

(d) A roll call shall be taken when a member moves for a roll call vote and that motion is seconded by ten other members. The member requesting the roll call vote and the ten members who second the motion shall notify the speaker in writing or shall rise from their seats or otherwise be recognized by the Speaker.



(e) When a division or a roll call is taken, the Speaker shall put the question and open the voting stations for not more than 30 seconds. Each member present at his voting station shall press either the YES/Green or NO/Red button unless excused by the House for a special reason. When the Speaker closes the vote, he shall rise and state the decision of the House.

House rule 24 is repealed and reenacted to read as follows:

24.(a) No vote shall be reconsidered unless the motion for reconsideration is made by a member who voted with the prevailing side while the bill or resolution is in the possession of the House. Reconsideration of any bills subject to a transfer date established by joint rules must be acted upon on or before the joint rule deadline, and thereafter shall be null and void.

(b) Notice of a motion for reconsideration shall be in order only until noon on the next business day after the date that the vote was taken.

(c) Any such notice of reconsideration shall be effective for two legislative days only and thereafter shall be null and void.

(d) The day when notice is served shall be counted as the first legislative day, even if notice occurs while the House is in recess or adjournment.

(e) When notice of reconsideration is received by the House, the Clerk of the House shall hold the bill or resolution relative to which such notice has been served until the expiration of the time within which such notice is effective.

House rule 28 is repealed and reenacted to read as follows:

28. Participation on a committee by any member shall be in accordance with the New Hampshire General Court Ethics Guidelines and Procedures authorizing the member to be replaced or substituted by the Speaker if they determine a conflict. If a member chooses not to participate in a committee under the New Hampshire General Court Ethics Guidelines and Procedures, the Speaker may substitute another member in his place.

House rule 29 is repealed and reenacted to read as follows:

29. The following standing policy committees shall be appointed at the commencement of any session and will consist of not more than 22 members, except the Committee on Finance will consist of not more than 29 members: Commerce, Small Business, Consumer Affairs and Economic Development; Constitutional and Statutory Revision; Corrections and Criminal Justice; Education; Environment and Agriculture; Executive Department and Administration; Finance; Health, Human Services and Elderly Affairs; Judiciary and Family Law; Labor, Industrial and Rehabilitative Services; Legislative Administration; Municipal and County Government; Public Protection and Veterans Affairs; Public Works and Highways; Regulated Revenues; Resources, Recreation and Development; Rules; Science, Technology and Energy; State-Federal Relations; Transportation; and Wildlife and Marine Resources. The Speaker shall be a member of the Committee on Rules.

(a) It shall be the duty of the Committee on Commerce, Small Business, Consumer Affairs and Economic Development to consider all matters pertaining to commerce, banks and banking institutions; insurance companies and contracts or insurance of any character; the needs of the small business community; all matters relating to consumer affairs and the economic conditions of commerce and industry; all matters relating to the economic development of the state, and such other matters as may be referred to it.

(b) It shall be the duty of the Committee on Constitutional and Statutory Revision to consider all matters concerning the Constitution, including proposed Constitutional Amendments and any proposals for revision of the Constitution; matters relating to the election laws of the state, the repeal or recodification of existing statutes, and other matters relating to the statutes of the State; and such other matters as may be referred to it.

(c) It shall be the duty of the Committee on Corrections and Criminal Justice to consider all matters relating to criminal justice, the Department of Corrections, sentencing, drug enforcement, bail, probation, parole, corrections facilities, DWI, domestic violence, juveniles and the corrections system, and such other matters as may be referred to it.

(d) It shall be the duty of the Committee on Education to consider subjects relating to the regulation of school districts and schools; the postsecondary college system; the University System of New Hampshire; matters concerning education; and such other matters as may be referred to it.

(e) It shall be the duty of the Committee on Environment and Agriculture to consider all matters concerning agricultural and farm problems of the state, physical land use including current use, the various agricultural organizations, the protection of the state's environment from forms of pollution other than air or water pollution, waste management issues, and such other matters as may be referred to it.

(f) It shall be the duty of the Committee on Executive Departments and Administration to consider matters pertaining to the general administration of state laws and changes therein; matters of policy pertaining to the executive departments; matters relating to the New Hampshire Retirement System; professional licensing; and such other matters as may be referred to it.

(g) It shall be the duty of the Committee on Finance to examine and consider the state of the treasury; to consider the budget, subjects concerning the financial interest of the state, all measures carrying appropriations of state money, except claims against the state; all bills and resolutions relating to raising money by a state tax and the apportionment of same and all other methods for raising revenue for the state, and such other matters as may be referred to it. Prior to the report of the Finance Committee to the House, the Speaker may refer the budget of certain self-sustaining state agencies to appropriate committees for study and recommendation. The Committee on Finance shall report to the house in the form of a resolution its estimates of state revenues on a periodic basis.

(h) It shall be the duty of the Committee on Health, Human Services and Elderly Affairs to consider all matters concerning the health of the inhabitants of the state; vital statistics; medical and related professions; the administration of welfare activities by the state government; matters relating to the special needs of our elderly citizens and such other matters as may be referred to it.

(i) It shall be the duty of the Committee on Judiciary and Family Law to consider all matters relating to the judicial system, right-to-know law, divorce, custody and child support, guardianships, life and death (such as abortion or assisted death), landlord/tenant rights, civil proceedings, tort law, forfeiture, victims' assistance, immunity, probate; children and youth and their rights, obligations and protection; and such other matters as may be referred to it.

(j) It shall be the duty of the Committee on Labor, Industrial and Rehabilitative Services to consider all matters relating to labor, wages, and workers' compensation including unemployment compensation and incentive programs, collective bargaining and binding arbitration; matters relating to job retraining and employee rehabilitative services and other matters relating to balancing the rights of employees to the needs of the industrial sector; and such other matters as may be referred to it.

(k) It shall be the duty of the Committee on Legislative Administration to consider all matters pertaining to the legislative process including mileage, elections, the journal, house resolutions and screening; enrolling bills; and such other matters relating to legislative administration as may be referred to the committee. Any matter referred by the chairman to any subcommittee may be reported by that subcommittee directly to the House unless otherwise ordered by the chairman.

(1) It shall be the duty of the Subcommittee on Elections to examine and report on the credentials of the members elected to serve in the House and to consider all petitions and other matters in relation to such elections or returns as shall be presented or come into question and may be referred to it.

(2) It shall be the duty of the Subcommittee on the Journal from day to day and before the commencement of the early session to examine the Journal of the preceding day and report to the House at once any errors.

(3) It shall be the duty of the Subcommittee on Mileage and Roll Call to determine the distance traveled by each member of the House and report to the House the names of the several members and the mileage allowed to each; and to make recommendations as to the use of the voting machine.

(4) It shall be the duty of the Subcommittee on House Resolutions and Screening to examine all House congratulatory and commemorative resolutions and proposed non-legislative activities for the purpose of determining whether or not they are of sufficient importance or interest to warrant being brought before the House. No such resolutions or activities shall be brought before the House unless they are approved by the subcommittee. Any such resolutions or activities brought

before the House with the approval of the subcommittee shall be scheduled so as not to interfere with the official business of the House. The term "non-legislative activities" shall include the introduction of House guests, seat-pocket insertions and journal announcements. The subcommittee shall also examine proposed legislation filed with the Office of Legislative Services to prevent, where possible, the duplication of bills or resolutions of a similar nature or content.

(5) It shall be the duty of the Subcommittee on Enrolled Bills to carefully examine each bill, enroll it, and report it, on behalf of the committee, to the body. If the examination of a bill shall disclose any clerical error or formal imperfection, it shall be reported back to the body with such amendments as are required to correct the same; and any measures so reported shall be subjected to amendment in those particulars and in no other respect. After enrollment in both bodies, all bills shall be signed by the President of the Senate and the Speaker of the House of Representatives.

(l) It shall be the duty of the Committee on Municipal and County Government to consider all matters pertaining to the salaries of town, city and county officers; changes in municipal and county government; the boundary lines of towns, cities and counties; the creation of new towns, cities and counties; and such other matters as may be referred to it.

(m) It shall be the duty of the Committee on Public Protection and Veterans Affairs to consider all matters affecting public protection including, but not limited to, law enforcement and the training of law enforcement officers; fire safety; emergency management and all matters pertaining to the National Guard and other military or veterans' organizations existing within the state; and such other matters as may be referred to it.

(n) It shall be the duty of the Committee on Public Works and Highways to consider all matters pertaining to public highways, buildings and capital construction; the capital budget; matters pertaining to the protection, improvement and preservation of the coastline; the care of state memorials and monuments; and such other matters as may be referred to it.

(o) It shall be the duty of the Committee on Regulated Revenues to consider all matters relating to the State Liquor Commission and the liquor laws of the state; the State Sweepstakes Commission and the sweepstakes laws of the state; the New Hampshire Pari-Mutuel Commission; and such other matters as may be referred to it.

(p) It shall be the duty of the Committee on Resources, Recreation and Development to consider all matters relating to natural resources, water pollution and control; parks and recreational areas; recreational industries; matters concerning state controls on property development; and such other matters as may be referred to it.

(q) It shall be the duty of the Committee on Rules to consider all matters pertaining to House procedure rules; to operate the House calendar and assist the Speaker in expediting the business of the session; and to recommend rules of proper debate.

(r) It shall be the duty of the Committee on Science, Technology and Energy to consider all matters pertaining to energy, telecommunications, air pollution, the jurisdiction of the Public Utilities Commission, the application of technological advances to the legislative process and the operation of state government, to coordinate the flow of information about technical and scientific matters to state and federal agencies and legislative committees, to monitor legislation referred to other committees in order to make suggestions for inclusion of technological improvements where warranted, and such other matters as may be referred to it.

(s) It shall be the duty of the Committee on State-Federal Relations to consider potential actions by the U.S. Congress which will have a major impact on the state and the New England region and all proposed resolutions petitioning the Congress on any matter; to develop communication with the congressional delegation; to serve as a liaison between the New Hampshire House and the United States Congress, the New England Legislative Caucus and such other legislative organizations to which state appropriations are made; to consider all interstate compacts and legislation affecting our relations with other states; and such other matters as may be referred to it.

(t) It shall be the duty of the Committee on Transportation to consider all matters pertaining to development, operation, regulation and control of all means of air, land and water transportation; and such other matters as may be referred to it.

(u) It shall be the duty of the Committee on Wildlife and Marine Resources to consider all matters concerning conservation, improvement and preservation of fish, game and non-game species and marine resources within the state; and such other matters as may be referred to it.

House rule 34 is repealed and reenacted to read as follows:

34.(a) Rule 67 shall set the first day to file requests for drafting of bills with the Office of Legislative Services, including all supplementary or necessary drafting information, for introduction in the first-year or second-year session. The Office of Legislative Services shall identify LSRs in language which makes clear the intent of the bill. LSRs, with the name(s) of the sponsor(s), shall be published by the Office of Legislative Services. The Speaker of the House shall adjudicate any disagreement concerning the publication of LSRs that may arise between bill sponsors and the Office of Legislative Services.

(b) The Office of Legislative Services shall not accept a request to draft any bill which is the same, or essentially the same, as any other drafting request already accepted in the same session. If duplicate or similar legislation is requested, the Director of Legislative Services shall notify the sponsors of each filing request and mediate an agreement for the filing of a single bill. Filing requests resulting from legislative committee work shall take precedence over all other duplicate or similar filings. The name of the House member whose LSR request is denied due to duplication may be substituted on request for that of the original sponsor if the original sponsor withdraws the drafting request prior to the sign-off deadline.

(c) Notwithstanding (a) and (b), any member may have legislation drafted and introduced upon receiving approval of a majority vote of the House Rules Committee or by a two-thirds vote of those House members present and voting.

(d) First-year session:

(1) In the first-year session, there shall be no limitation on the subject matter of legislation introduced.

(2) As soon as possible after the end of the first-year session, the Clerk shall publish in the House Calendar those bills voted inexpedient to legislate, indefinitely postponed or re-referred in the first-year session, and those bills which created study committees with November 1 reporting deadlines. The listings shall be in numerical order by bill number/title, and in subject order by bill number/title.

(e) Second-year session:

(1) No bill or resolution shall be introduced if it is substantially similar to any legislation which was indefinitely postponed or voted inexpedient to legislate by the House in the first-year session, unless it has been approved by a majority of the House Rules Committee or a two-thirds vote of those House members present and voting, whether as a bill, an amendment, a committee of conference report or in any other manner.

(2) A request shall not be accepted to draft any bill which is the same, or essentially the same, as any bill voted inexpedient to legislate, indefinitely postponed, re-referred, or made the subject of a statutory study committee in the first-year session unless approved for drafting and introduction by a majority vote of the House Rules Committee or a two-thirds vote of those House members present and voting.

House rule 35 is repealed and reenacted to read as follows:

35.(a) All petitions, memorials, and other papers addressed to the House and all bills and resolutions to be introduced in the House shall be delivered or caused to be delivered to the Office of Legislative Services by the person presenting them. The Office of Legislative Services shall prepare those bills, resolutions, petitions, memorials and other papers in proper form and shall present them to the member(s) for signature. Legislative Services shall give precedence in drafting legislation to any measure which carries a fiscal note and all such legislation shall be prepared for signature by the sponsor by the date specified in Rule 67.

(b) (1) All bills, resolutions, bills of intent, petitions, memorials and other papers addressed to the House, shall be endorsed with the name and the district of the legislator presenting them. All legislation shall be numbered serially according to type of legislation introduced.

(2) Each bill shall be marked on the first page "House Bill"; each bill of intent shall be marked "House Bill of Intent"; each joint resolution shall be marked "House Joint Resolution"; other concurrent resolutions shall be marked "House Concurrent Resolution"; and each house resolution shall be marked "House Resolution".

(c) When a bill is proposed by any state agency, the name of the agency proposing it shall appear in the bill analysis.

(d) No LSR number shall be assigned and no House bill shall be drafted unless the LSR or bill has a House sponsor. No more than five House members shall be allowed to sponsor any bill. No more than 5 Senate members shall be allowed to co-sponsor legislation originating in the House. If more than five House members wish to be sponsors, the person who first requested the drafting of the bill, house resolution, concurrent resolution, joint resolution, constitutional amendment, concurrent resolution or bill of intent shall determine the names of the four co-sponsors whose signatures are required for introduction. Other House members may be added as co-sponsors by notifying the Clerk prior to the date of the first public hearing on the proposal, and their names shall be recorded in the permanent journal of that session.

(e) If a drafting request for a bill or resolution, filed with the Office of Legislative Services, requires a fiscal note as provided in RSA 14:44-47, the substance or a draft of the proposal may be provided to the Legislative Budget Assistant for preparation of the required fiscal note without the specific consent of the sponsor of the proposal.

(f) For the purposes of these rules, money bills are those that either appropriate money or affect state revenues, whether new or existing.

House rule 37 is repealed and reenacted to read as follows:

37. Every request by a member of the House for drafting a bill, house resolution taking a policy position, concurrent resolution, constitutional amendment-concurrent resolution, or joint resolution other than the general budget or the capital budget bill, shall be accepted by the Office of Legislative Services for processing no later than the date specified by Rule 67. Each request shall be accompanied by the complete information necessary for drafting.

(a) This deadline shall not apply to bills of intent which may be accepted by the Office of Legislative Services until the date specified as the first crossover date by Rule 67.

(b) This deadline shall not apply to house resolutions which do not propose policy positions. Such resolutions may be accepted for drafting by the Office of Legislative Services at any time.

House rule 38 is repealed and reenacted to read as follows:

38.(a) The sign-off deadlines set by Rule 67 shall supersede the time limits set forth in this Rule.

(b) The sponsor of any legislation shall sign it for introduction within ten calendar days after the draft legislation is mailed to the sponsor for approval, whether or not the fiscal note has been prepared. If the tenth day falls on a Saturday, Sunday, or holiday, the ten-day period shall expire on the subsequent working day. The sponsor's name shall be published at least once on the "signatures needed" list in the House Calendar within the sign-off period. If the sponsor requests a redraft within the sign-off period, the sponsor shall sign the legislation for introduction within ten calendar days after the redraft has been mailed to the sponsor. No more than one redraft per LSR may be requested during the last ten days prior to the sign off deadline. The sign-off deadline in section (a) shall supersede the time limits set forth in this section.

(c) If the primary sponsor signs the legislation in time for introduction, but one or more co-sponsors fails to sign, the legislation shall be introduced in the names of those sponsors who have signed. If the primary sponsor fails to sign the legislation in time for introduction, a co-sponsor may become the primary sponsor. If the primary sponsor fails to sign, and no co-sponsor wishes to become the primary sponsor, the legislation may not be introduced without suspension of this rule.

House rule 42 is repealed and reenacted to read as follows:

42. After each bill has been numbered and referred by the Speaker to the appropriate committee, the Clerk shall provide a copy to the committee chairman and procure a sufficient number of copies for distribution.

House rule 43 is repealed and reenacted to read as follows:

43.(a) A hearing shall be held on each bill referred to a committee.

(b) Notice of committee action shall be posted as follows:

(1) Public hearings shall be advertised in the House Calendar no less than four days prior to a hearing.

(2) Executive sessions shall be advertised in the House Calendar no less than two days prior to committee action or announced on the floor of the House by the Chairman of the appropriate committee.

(3) All other committee or subcommittee meetings at which decisions are made or information is received shall be advertised in the House Calendar or, if scheduled after the calendar deadline, shall be posted in the Clerk's Office and outside the committee room at least 24 hours prior to the meeting.

(c) When requested by the President of the Senate, the Speaker may authorize and direct the appropriate House committee or committees to sit with the appropriate Senate committee or committees at a public hearing of any Senate bill, and no further public hearing on such bill shall be required when such bill is received subsequently in the House from the Senate.

(d) The hearing provided for by this rule shall be held on each bill referred to a committee within 28 calendar days of such referral, not counting for the purposes of this rule any legislative days prior to the distribution of printed copies of such measure. The Clerk shall keep an accurate record of the date of distribution of printed copies of each bill and shall notify the Speaker whenever 28 calendar days have passed. The Speaker shall then revoke the reference of such measure to committee and shall place such bill before the House for action, upon giving notice of seven calendar days in the House Calendar. A committee hearing held on or before the expiration of such seven day notice period shall take precedence over the order of the Speaker. Whenever it shall not be convenient for any committee to hold a hearing on a bill within 28 calendar days, the committee may ask the House for extensions of time for that particular bill. Each extension of time shall not exceed 14 calendar days and shall take precedence over action by the Speaker. This section shall not apply to bills assigned to the Finance Committee.

House rule 44 is repealed and reenacted as follows:

44.(a) All bills in the possession of committees shall be reported out by the date specified in Rule 67 with one of the following recommendations: Ought to Pass, Ought to Pass with Amendment, Re-refer to Committee, Inexpedient to Legislate, Refer for Interim Study, or Recommended but to be Laid Upon the Table Because of Funding. Re-refer to Committee shall be a committee report only in the first-year session; Refer for Interim Study shall be a committee report only in the second-year session.

The Committee, as its Interim Study final report, shall submit one of the following: 1) Recommended for Future Legislation; 2) Recommended, with Amendment, for Future Legislation; 3) Not Recommended for Future Legislation.

(b) All committee reports on bills shall be printed in the House Calendar on the day that the committee report is listed for floor action, and at least once previously. If a bill is reported favorably with an amendment, the committee report shall state the amendment and then recite the section of the bill in full as amended. The amendment shall be printed in the House Calendar at least once prior to the date listed for floor action.

(c) If a bill is reported Re-refer to Committee, it shall read Re-refer to Committee for action in the second-year session. The report on a re-referred bill shall contain a separate and adequate explanation of the issue(s) which require(s) review. Bills which have been re-referred to the Finance Committee may be referred by the Speaker to the original committee to which it was assigned when the House adjourned from the first session. All bills re-referred in the first-year session shall be acted on by the third legislative day of the second-year session.

(d)(1) No committee shall report with a positive recommendation any bill or resolution which would, if enacted, be a clear violation of Part I, Article 28-a of the N.H. Constitution.

(2) The vice chairman or another member of each committee shall review all pending legislation and shall advise the chairman and the members of all legislation before the committee which should be reviewed in terms of Rule 44(d)(1) above.

House rule 45 is repealed and reenacted to read as follows:

45.(a) No amendment shall be made until the second reading of a bill. All amendments to bills shall be prepared by the Office of Legislative Services, with the name of the member and the district he represents.

(b) No amendment shall be added to any bill, resolution, joint resolution or concurrent resolution which is not germane to its subject matter.

(c) When a bill comes before the House, the body shall first consider the printed majority report of the committee. The Speaker shall not permit a motion to substitute any permitted alternative report for the Committee Report until the House has properly disposed of the majority report.

House rule 46 is repealed and reenacted to read as follows:

46.(a) All bills and joint resolutions appropriating state money, which have been reported favorably from any committee, shall be referred to the Committee on Finance. If such bills have been referred to the Committee on Finance after report by another standing committee, the Committee on Finance may report separately and no further hearings shall be required by the Committee on Finance. Hearings on bills assigned to the Committee on Finance may at the discretion of the chairman be assigned to and held by the division of the committee to which the bill is assigned and no further hearing may be required.

(b) All bills and resolutions affecting state revenues or fees shall, if approved by the House when reported from the Committee on Regulated Revenues, be referred to the Committee on Finance. Any bill or resolution establishing, amending, or repealing a state fee established in statute, excluding professional licensing fees, shall, if approved by the House when reported by the appropriate policy committee, be referred to the Committee on Finance.

(c) All bills and resolutions addressing licensure and/or certification shall, if approved by the House when reported by the appropriate policy committee, be referred to the Committee on Executive Departments and Administration for a further report on the effect of the passage of such a bill or resolution.

(d) All bills and resolutions affecting criminal penalties, if approved by the House when reported by the appropriate policy committee, shall be referred to the Committee on Corrections and Criminal Justice.

(e) The chairmen of committees named in this rule with the approval of the Speaker may:

(1) decline the referral of any bill from another committee; or

(2) notwithstanding the provisions of Rule 43 (a), waive the public hearing on any bill referred from another committee.

House rule 49 is repealed and reenacted to read as follows:

49.(a) Committee of Conference reports shall be distributed to be acted on on some subsequent day.

(b) No member of a Committee of Conference shall sign any report which contains non-germane amendments or subject matter that has been indefinitely postponed in either house. For the purpose of this rule, a non-germane amendment is any subject matter not contained in either the House or Senate version of the bill.

(c) A Committee of Conferee report analysis prepared by the first-named House member shall be printed in the House Calendar.

(d) A Committee of Conference report may be placed on the Consent Calendar only by a unanimous vote of all House conferees.

House rule 50 is repealed and reenacted to read as follows:

50. All committees must report all bills referred to them eight days prior to any deadline for the House to take action unless otherwise provided in Rule 67. Any bill not reported shall be placed on the calendar by the Speaker with a report of No Recommendation and the reference to committee shall be revoked.

House rule 52 is repealed and reenacted to read as follows:

52. No standing rule of the House shall be suspended unless two-thirds of the members present vote in favor thereof.

House rule 53 is repealed and reenacted to read as follows:

53. No rule shall be rescinded unless two days notice of a motion has been given and two-thirds of House members present vote therefor.

House rule 64, relative to duplication of large bills, is repealed.

House rule 65, relative to list of titles, list of LSRs, is repealed.

The subdivision heading preceding house rule 64 is repealed and reenacted to read as follows:

Miscellaneous

House rule 109 is repealed and reenacted to read as follows:

109. At each legislative committee meeting, final action on any bill or resolution shall be by roll call. All roll call votes shall appear in the records of the committee as otherwise provided in these rules. In all roll call votes the names of the members voting for the motion, the names of the members voting against the motion, and the names of members not participating because of a conflict of interest, shall be recorded. If a member is present when the question is put, he or she must vote when called unless the member is not participating pursuant to the New Hampshire General Court Ethics Guidelines and Procedures.

Rep. Cole spoke in favor.

Adopted.

Reps. Ann Torr and Trombly offered a floor amendment.

### **Floor Amendment (1025L)**

Amend house rule 47 to read as follows:

47. Any budget bill reported by the Committee on [Appropriations] *Finance* shall contain a balanced spending plan. In the second-year session, the Committee on [Appropriations] *Finance* shall hold hearings on proposed changes to the State spending plan for the current biennium and may submit a supplemental budget bill. [The Committee on Appropriations shall work in close cooperation with the Committee on Ways and Means at mutually agreed periodic times in determining the state income available for budget purposes.]

Adopted.

Rep. Fuller Clark offered a floor amendment.

### **Floor Amendment (0989L)**

House rule 24(c) is repealed and reenacted to read as follows:

(c) Any such notice of reconsideration shall be effective for two legislative days and thereafter shall be null and void, except when notice occurs when the House is not in session. In such instances, such notice shall be effective for three legislative days and thereafter shall be null and void.

Reps. Fuller Clark and Amanda Merrill spoke in favor.

Rep. David Scanlan spoke against and yielded to questions.

Rep. Donna Sytek requested a roll call; sufficiently seconded. The question being the adoption of the floor amendment.

## **YEAS 108 - NAYS 260**

### **YEAS 108**

#### **BELKNAP**

None

#### **CARROLL**

None

#### **CHESHIRE**

Burnham, Daniel	Champagne, Richard	DePecol, Benjamin	Doucette, Richard
Kingsbury, H. Thayer	Lynch, Margaret	McGuirk, Paul	Pratt, Irene
Richardson, Barbara	Riley, William	Robertson, Timothy	Russell, Ronald
Wollner, Robert			

#### **COOS**

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Hawkinson, Marie
Mayhew, Josephine	Mears, Edgar		

#### **GRAFTON**

Below, Clifton	Copenhaver, Marion	Crory, Elizabeth	Lovett, Sidney
Nordgren, Sharon			



**HILLSBOROUGH**

Ahern, Richard	Allen, W. Gordon	Asselin, Robert	Baroody, Benjamin
Bergeron, Normand	Buckley, Raymond	Clemons, Jane	Cote, David
Cote, Peter	Dwyer, Paul, Sr.	Foster, Linda	Haettenschwiller, Alphonse
Hussey, Mary	Jean, Claudette	Johnson, Lionel	Kane, Laura
Kirby, Thomas	Laughlin, J. Francis	Lefebvre, Roland	Martin, Mary
McCarthy, William	Melcher, Harold	O'Rourke, Joanne	Philbrook, Paula
Reidy, Frank	Soucy, Donna	Soucy, Richard	Toomey, Kathryn
Turgeon, Roland	Wheeler, Craig	White, John	

**MERRIMACK**

Chandler, Charles	Crosby, Toni	Daneault, Gabriel	DeStefano, Stephen
Dunn, Miriam	Fraser, Marilyn	Moore, Carol	Newland, Matthew
Owen, Derek	Rogers, Katherine	Trombly, Rick	Wallner, Mary Jane
Yeaton, Charles			

**ROCKINGHAM**

Abbott, Dennis	Clark, Martha	Coes, Betsy	Kane, Cecelia
Kelley, Jane	Kobel, Rudolph	Langley, Jane	Magoon, Harold
McGovern, Cynthia	Pantelakos, Laura	Splaine, James	Syracusa, Anthony
Vaughn, Charles			

**STRAFFORD**

Berube, Roger	Brown, George	Callaghan, Frank	Chagnon, Ronald
DeChane, Marlene	Grassie, Anne	Hambrick, Patricia	Hemon, Roland
Hilliard, Dana	Loder, Suzanne	Lundborn, Raymond	McCann, William, Jr.
Merrill, Amanda	Merritt, Deborah	Pelletier, Arthur	Snyder, Clair
Sullivan, Henry	Tessimond, Shane	Vincent, Francis	Wall, Janet
Wheeler, Katherine	Williams, Howard		

**SULLIVAN**

Allison, David	Cloutier, John	Palmer, Lorraine	Stettenheim, Sandy
Whipple, Allen			

**NAYS 260****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Cain, Thomas	Dewhirst, Glenn
Golden, Paul	Holbrook, Robert	Hurt, George	Johnson, James
Laflam, Robert	Lawton, David	Lawton, Robert	Rice, Thomas, Jr.
Rosen, Ralph	Thomas, John	Turner, Robert	Wendelboe, Francine
Ziegler, Alice			

**CARROLL**

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey	Kenney, Joseph
Lyman, L. Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald

**CHESHIRE**

Avery, Stephen	Cole, Stacey	Feuer, Joseph	Hunt, John
Laurent, John	Manning, Joseph	McNamara, Wanda	Royce, H. Charles
Smith, Edwin	Steere, Myron, III		

**COOS**

Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	St. Hilaire, Paul		

**GRAFTON**

Adams, Carl  
Chase, Paul, Jr.  
Ham, Bonnie  
MacNeil, Allen  
Teschner, Douglass

Bean, Pamela  
Cobbins, Philip  
Hill, Richard  
Mirski, Paul  
Trelfa, Richard

Brown, Alson  
Connolly, Steven  
LaMott, Paul  
Phinney, William  
Tucker, John

Brown, Channing  
Eaton, Stephanie  
Larson, Nils, Jr.  
Scanlan, David  
Williams, William, Jr.

**HILLSBOROUGH**

Aksten, Cheryl  
Arnold, Thomas, Jr.  
Brundige, Robert  
Champagne, Norma  
Desrosiers, William  
Dyer, Merton  
Fields, Dennis  
Gibson, John  
Hart, Nick  
Holt, David  
Krochmal, Mark  
Legacy, Earl  
MacGillivray, Jeffrey  
McMahon, Donald  
Milligan, Robert  
Packard, Bonnie  
Peters, Stanley  
Searles, Stanley, Sr.  
Taylor, Paul  
Worthen, Dorothy

Alukonis, David  
Belvin, William  
Burke, M. Virginia  
Clegg, Robert, Jr.  
Dodge, Emma  
Emerton, Lawrence, Sr.  
Francoeur, Gary  
Gotham, Rita  
Herman, Keith  
Hunter, Bruce  
Kurk, Neal  
Letendre, Evelyn  
MacIntyre, Doris  
McRae, Karen  
Mittelman, David  
Pappas, Marc  
Riley, Frances  
Showerman, Peter  
Thulander, O. Alan  
Wright, George

Amidon, Eleanor  
Boutin, David  
Calawa, Leon, Jr.  
Daniels, Gary  
Dokmo, Cynthia  
Feng, David  
Franks, Suzan  
Goulet, Maurice  
Holden, Carol  
Jean, Loren  
L'Heureux, Robert  
Lozeau, Donnalee  
Marcinkowski, Michael  
Mercer, Robert  
Morello, Michael  
Pepino, Leo  
Sallada, Roland  
Streeter, Janice  
Wheeler, Robert

Andrews, Frederick  
Bridgewater, Charles  
Cepaitis, Elizabeth  
Desmarais, Vivian  
Durham, Susan  
Ferguson, Charles  
Gagnon, Eugene  
Hallyburton, Margaret  
Holley, Sylvia  
Kelley, Robert  
LaRose, Richard  
Luebker, Bernard  
McCarty, Winston  
Messier, Irene  
O'Hearn, Jane  
Perkins, Paul  
Sargent, Maxwell  
Sullens, Joan  
White, Donald

**MERRIMACK**

Adams, Stephen  
Chandler, Earle  
Hess, David  
Lamach, Bernard  
MacKay, James  
Pitman, Mary Ellen  
Weeks, John, Jr.

Barberia, Richard  
Chandler, John  
Holmes, Mary  
Langer, Ray  
Nichols, Avis  
Shaw, Randall  
Whalley, Michael

Brown, Mary  
Crowell, Peter  
Jacobson, Alf  
Little, Michael  
Patenaude, Amy  
Varsalone, Robert  
Whittemore, James

Buessing, Marjorie  
Feuerstein, Martin  
Kennedy, Richard  
Lockwood, Robert  
Pfaff, Terence  
Warner, Richard  
Willis, Jack

**ROCKINGHAM**

Aranda, M. Kathryn  
Beaulieu, Jon  
Camm, Kevin  
Clark, Vivian  
Dodge, Robert  
Dunham, Vivian  
Gage, Beverly  
Hawkins, Robert  
Hutchinson, Karen  
Klemm, Arthur, Jr.  
Malcolm, Ken  
Morris, Debbie  
Pratt, Katharin  
Ross, James  
Senter, Merilyn  
Sytek, Donna  
Welch, David

Arndt, Janet  
Belanger, Ronald  
Carson, Gregory  
Conroy, Janet  
Dolan, Richard  
Felch, Charles, Sr.  
Gleason, John  
Haynes, Richard  
Johnson, Robert  
Kruse, Fred  
McCarthy, John, Jr.  
Nowe, Ronald  
Putnam, Ed, II  
Rubin, George  
Smith, Arthur  
Sytek, John  
Weyler, Kenneth

Attar, Kevin  
Bishop, Franklin  
Case, Margaret  
Cote, Patricia  
Dowling, Patricia  
Flanagan, Natalie  
Goddard, Warren  
Henderson, Warren  
Katsakiores, George  
Lovejoy, Marian  
McKinney, Betsy  
Noyes, Richard  
Raynowska, Bernard  
Sabella, Norma  
Stone, Joseph  
Tufts, J. Arthur  
Yennaco, Carol

Battles, Marjorie  
Boucher, William  
Christie, Andrew, Jr.  
Crossman, Harold, Jr.  
Dube, LeRoy  
Flanders, John, Sr.  
Gorman, Donald  
Hurst, Sharleene  
Katsakiores, Phyllis  
Lupien, James  
Moore, Benjamin  
Packard, Sherman  
Richards, David  
Scanlon, Edward  
Stritch, C. Donald  
Weare, Everett

**STRAFFORD**

Brown, Julie	Douglass, Clyde	Duntap, Patricia	Hanlon, Mark
Keans, Sandra	McKinley, Robert	Musler, George	Nehring, William
Spear, Barbara	Steadman, Frederick	Torr, Ann	Torr, Franklin
Torr, Ralph	Wasson, Richard		

**SULLIVAN**

Adler, Rudolf	Behrens, Thomas	Flint, Gordon	Krueger, Richard
Lindblade, Eric	Peyron, Fredrik	Schotanus, Merle	Scott, Robert

and the floor amendment failed.

Rep. Kobel voted yea and intended to vote nay.

Rep. Simmons did not vote and intended to vote nay.

Rep. Fuller Clark offered a floor amendment.

**Floor Amendment (0990L)**

House rule 45(c), relative to consideration given to the majority report, is repealed.

Reps. Fuller Clark and Vaughn spoke in favor.

Reps. Gene Chandler and Cole spoke against and yielded to questions.

Rep. Donna Sytek requested a roll call; sufficiently seconded. The question being the adoption of the floor amendment.

**YEAS 104 - NAYS 266****YEAS 104****BELKNAP**

None

**CARROLL**

None

**CHESHIRE**

Burnham, Daniel	Champagne, Richard	DePecol, Benjamin	Doucette, Richard
Kingsbury, H. Thayer	Lynch, Margaret	McGuirk, Paul	Pratt, Irene
Richardson, Barbara	Riley, William	Robertson, Timothy	Russell, Ronald
Wollner, Robert			

**COOS**

Bradley, Paula	Coulombe, Henry	Hawkinson, Marie	Mayhew, Josephine
Mears, Edgar			

**GRAFTON**

Copenhaver, Marion	Crory, Elizabeth	Nordgren, Sharon
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**HILLSBOROUGH**

Ahern, Richard	Allen, W. Gordon	Asselin, Robert	Baroody, Benjamin
Bergeron, Normand	Buckley, Raymond	Clemons, Jane	Cote, David
Cote, Peter	Dwyer, Paul, Sr.	Foster, Linda	Haettenschwiller, Alphonse
Hunter, Bruce	Hussey, Mary	Jean, Claudette	Johnson, Lionel
Kirby, Thomas	Laughlin, J. Francis	Lefebvre, Roland	Lozeau, Donnalee
Martin, Mary	McCarthy, William	O'Rourke, Joanne	Philbrook, Paula
Reidy, Frank	Soucy, Donna	Soucy, Richard	Toomey, Kathryn
Turgeon, Roland	Wheeler, Craig	White, John	

**MERRIMACK**

Crosby, Toni	Daneault, Gabriel	DeStefano, Stephen	Dunn, Miriam
Fraser, Marilyn	Moore, Carol	Newland, Matthew	Owen, Derek
Rogers, Katherine	Trombly, Rick	Wallner, Mary Jane	Whittemore, James
Yeaton, Charles			

**ROCKINGHAM**

Clark, Martha	Coes, Betsy	Felch, Charles, Sr.	Hutchinson, Karen
Kane, Cecelia	Kelley, Jane	Kruse, Fred	McGovern, Cynthia
Pantelakos, Laura	Splaine, James	Syracusa, Anthony	Vaughn, Charles

**STRAFFORD**

Berube, Roger	Brown, George	Callaghan, Frank	Chagnon, Ronald
DeChane, Marlene	Grassie, Anne	Hambrick, Patricia	Hemon, Roland
Hilliard, Dana	Keans, Sandra	Loder, Suzanne	Lundborn, Raymond
McCann, William, Jr.	Merrill, Amanda	Merritt, Deborah	Pelletier, Arthur
Snyder, Clair	Sullivan, Henry	Tessimond, Shane	Vincent, Francis
Wall, Janet	Wheeler, Katherine	Williams, Howard	

**SULLIVAN**

Cloutier, John	Palmer, Lorraine	Stettenheim, Sandy	Whipple, Allen
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**NAYS 266****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Cain, Thomas	Dewhirst, Glenn
Golden, Paul	Holbrook, Robert	Hurt, George	Johnson, James
Laffam, Robert	Lawton, David	Lawton, Robert	Rice, Thomas, Jr.
Rosen, Ralph	Thomas, John	Turner, Robert	Wendelboe, Francine
Ziegra, Alice			

**CARROLL**

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey	Kenney, Joseph
Lyman, L. Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald

**CHESHIRE**

Avery, Stephen	Cole, Stacey	Feuer, Joseph	Hunt, John
Laurent, John	Manning, Joseph	McNamara, Wanda	Metzger, Katherine
Royce, H. Charles	Smith, Edwin	Steere, Myron, III	

**COOS**

Coulombe, Yvonne	Davis, Perley	Guay, Lawrence	Horton, Lynn
Merrill, Gerald	Pratt, Leighton	St. Hilaire, Paul	

**GRAFTON**

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Brown, Channing	Chase, Paul, Jr.	Cobbin, Philip	Connolly, Steven
Eaton, Stephanie	Ham, Bonnie	Hill, Richard	LaMott, Paul
Larson, Nils, Jr.	Lovett, Sidney	MacNeil, Allen	Mirski, Paul
Phinney, William	Scanlan, David	Teschner, Douglass	Trelfa, Richard
Tucker, John	Williams, William, Jr.		

**HILLSBOROUGH**

Aksten, Cheryl	Alukonis, David	Amidon, Eleanor	Andrews, Frederick
Arnold, Thomas, Jr.	Belvin, William	Boutin, David	Bridgewater, Charles
Brundige, Robert	Burke, M. Virginia	Calawa, Leon, Jr.	Cepaitis, Elizabeth
Champagne, Norma	Clegg, Robert, Jr.	Daniels, Gary	Desmarais, Vivian
Desrosiers, William	Dodge, Emma	Dokmo, Cynthia	Durham, Susan
Dyer, Merton	Emerton, Lawrence, Sr.	Feng, David	Fenton, James
Ferguson, Charles	Fields, Dennis	Francoeur, Gary	Franks, Suzan
Gagnon, Eugene	Gibson, John	Gotham, Rita	Goulet, Maurice
Hallyburton, Margaret	Hart, Nick	Herman, Keith	Holden, Carol
Holley, Sylvia	Holt, David	Jean, Loren	Kane, Laura

Kelley, Robert  
LaRose, Richard  
MacGillivray, Jeffrey  
McMahon, Donald  
Messier, Irene  
O'Hearn, Jane  
Perkins, Paul  
Sargent, Maxwell  
Sullens, Joan  
Wheeler, Robert

Krochmal, Mark  
Legacy, Earl  
MacIntyre, Doris  
McRae, Karen  
Milligan, Robert  
Packard, Bonnie  
Peters, Stanley  
Searles, Stanley, Sr.  
Taylor, Paul  
White, Donald

Kurk, Neal  
Letendre, Evelyn  
Marcinkowski, Michael  
Melcher, Harold  
Mittelman, David  
Pappas, Marc  
Riley, Frances  
Showerman, Peter  
Thulander, O. Alan  
Worthen, Dorothy

L'Heureux, Robert  
Luebker, Bernard  
McCarty, Winston  
Mercer, Robert  
Morello, Michael  
Pepino, Leo  
Sallada, Roland  
Streeter, Janice  
Wells, Peter, Sr.  
Wright, George

### MERRIMACK

Adams, Stephen  
Chandler, Charles  
Feuerstein, Martin  
Kennedy, Richard  
Lockwood, Robert  
Plaff, Terence  
Warner, Richard

Barberia, Richard  
Chandler, Earle  
Hess, David  
Lamach, Bernard  
MacKay, James  
Pitman, Mary Ellen  
Weeks, John, Jr.

Brown, Mary  
Chandler, John  
Holmes, Mary  
Langer, Ray  
Nichols, Avis  
Shaw, Randall  
Whalley, Michael

Buessing, Marjorie  
Crowell, Peter  
Jacobson, Alf  
Little, Michael  
Patenau, Amy  
Varsalone, Robert  
Willis, Jack

### ROCKINGHAM

Abbott, Dennis  
Battles, Marjorie  
Boucher, William  
Christie, Andrew, Jr.  
Crossman, Harold, Jr.  
Dube, LeRoy  
Gage, Beverly  
Hawkins, Robert  
Johnson, Robert  
Kobel, Rudolph  
Magoon, Harold  
Moore, Benjamin  
Packard, Sherman  
Richards, David  
Scanlon, Edward  
Stone, Joseph  
Tufts, J. Arthur  
Yennaco, Carol

Aranda, M. Kathryn  
Beaulieu, Jon  
Camm, Kevin  
Clark, Vivian  
Dodge, Robert  
Dunham, Vivian  
Gleason, John  
Haynes, Richard  
Katsakiores, George  
Langley, Jane  
Malcolm, Ken  
Morris, Debbie  
Pratt, Katharin  
Ross, James  
Senter, Merilyn  
Stritch, C. Donald  
Weare, Everett

Arndt, Janet  
Belanger, Ronald  
Carson, Gregory  
Conroy, Janet  
Dolan, Richard  
Flanagan, Natalie  
Goddard, Warren  
Henderson, Warren  
Katsakiores, Phyllis  
Lovejoy, Marian  
McCarthy, John, Jr.  
Nowe, Ronald  
Putnam, Ed, II  
Rubin, George  
Simmons, John Anthony  
Sytek, Donna  
Welch, David

Attar, Kevin  
Bishop, Franklin  
Case, Margaret  
Cote, Patricia  
Dowling, Patricia  
Flanders, John, Sr.  
Gorman, Donald  
Hurst, Sharleene  
Klemm, Arthur, Jr.  
Lupien, James  
McKinney, Betsy  
Noyes, Richard  
Raynowska, Bernard  
Sabella, Norma  
Smith, Arthur  
Sytek, John  
Weyler, Kenneth

### STRAFFORD

Brown, Julie  
McKinley, Robert  
Steadman, Frederick  
Wasson, Richard

Douglass, Clyde  
Musler, George  
Torr, Ann

Dunlap, Patricia  
Nehring, William  
Torr, Franklin

Hanlon, Mark  
Spear, Barbara  
Torr, Ralph

### SULLIVAN

Adler, Rudolf  
Lindblade, Eric

Behrens, Thomas  
Peyron, Fredrik

Flint, Gordon  
Schothanus, Merle

Krueger, Richard

and the floor amendment failed.

Rep. Fuller Clark offered a floor amendment.

### Floor Amendment (0991L)

House rule 46(c) is repealed and reenacted to read as follows:

(c) All bills and resolutions addressing licensure and/or certification shall, if approved by the House when reported by the appropriate policy committee, be referred to the Committee

on Executive Departments and Administration. The Executive Departments and Administration Committee may only recommend changes in the licensing procedure. Such recommendations shall be referred to the full House.

Reps. Fuller Clark, Katherine Wheeler and Haettenschwiller spoke in favor.

Rep. Dyer spoke against.

Rep. Emerton spoke against and yielded to questions.

Rep. Donna Sytek requested a roll call; sufficiently seconded. The question being the adoption of the floor amendment.

## YEAS 106 - NAYS 257

### YEAS 106

#### BELKNAP

Hurt, George

Laflam, Robert

#### CARROLL

None

#### CHESHIRE

Burnham, Daniel  
Kingsbury, H. Thayer  
Richardson, Barbara

Champagne, Richard  
Lynch, Margaret  
Riley, William

DePecol, Benjamin  
McGuirk, Paul  
Robertson, Timothy

Doucette, Richard  
Pratt, Irene  
Wollner, Robert

#### COOS

Bradley, Paula  
Mayhew, Josephine

Coulombe, Henry  
Mears, Edgar

Coulombe, Yvonne

Hawkinson, Marie

#### GRAFTON

Below, Clifton  
Nordgren, Sharon

Copenhaver, Marion

Crory, Elizabeth

Lovett, Sidney

#### HILLSBOROUGH

Ahern, Richard  
Clemons, Jane  
Foster, Linda  
Jean, Claudette  
Lozeau, Donnalee  
O'Rourke, Joanne  
Soucy, Richard  
White, John

Allen, W. Gordon  
Cote, David  
Haettenschwiller, Alphonse  
Johnson, Lionel  
Martin, Mary  
Philbrook, Paula  
Taylor, Paul

Bergeron, Normand  
Cote, Peter  
Holt, David  
Kirby, Thomas  
McCarthy, William  
Reidy, Frank  
Toomey, Kathryn

Buckley, Raymond  
Dwyer, Paul, Sr.  
Hussey, Mary  
Laughlin, J. Francis  
Melcher, Harold  
Soucy, Donna  
Turgeon, Roland

#### MERRIMACK

Crosby, Toni  
Fraser, Marilyn  
Rogers, Katherine

Daneault, Gabriel  
Moore, Carol  
Trombly, Rick

DeStefano, Stephen  
Newland, Matthew  
Wallner, Mary Jane

Dunn, Miriam  
Owen, Derek  
Yeaton, Charles

#### ROCKINGHAM

Abbott, Dennis  
Gorman, Donald  
Splaine, James

Clark, Martha  
Hawkins, Robert  
Syracusa, Anthony

Clark, Vivian  
Kane, Cecelia  
Vaughn, Charles

Coes, Betsy  
Pantelakos, Laura

#### STRAFFORD

Berube, Roger  
Chagnon, Ronald  
Hemon, Roland  
Lundborn, Raymond  
Musler, George  
Tessimond, Shane  
Williams, Howard

Brown, George  
DeChane, Marlene  
Hilliard, Dana  
McCann, William, Jr.  
Pelletier, Arthur  
Vincent, Francis

Brown, Julie  
Grassie, Anne  
Keans, Sandra  
Merrill, Amanda  
Snyder, Clair  
Wall, Janet

Callaghan, Frank  
Hambrick, Patricia  
Loder, Suzanne  
Merritt, Deborah  
Sullivan, Henry  
Wheeler, Katherine

**SULLIVAN**

Cloutier, John	Palmer, Lorraine	Stettenheim, Sandy	Whipple, Allen
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**NAYS 257****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Cain, Thomas	Dewhirst, Glenn
Golden, Paul	Holbrook, Robert	Johnson, James	Lawton, David
Lawton, Robert	Rice, Thomas, Jr.	Rosen, Ralph	Thomas, John
Turner, Robert	Wendelboe, Francine	Ziegra, Alice	

**CARROLL**

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey	Kenney, Joseph
Lyman, L. Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald

**CHESHIRE**

Avery, Stephen	Cole, Stacey	Feuer, Joseph	Hunt, John
Laurent, John	Manning, Joseph	McNamara, Wanda	Metzger, Katherine
Royce, H. Charles	Smith, Edwin	Steere, Myron, III	

**COOS**

Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	St. Hilaire, Paul		

**GRAFTON**

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Chase, Paul, Jr.	Cobbin, Philip	Connolly, Steven	Eaton, Stephanie
Ham, Bonnie	Hill, Richard	LaMott, Paul	Larson, Nils, Jr.
MacNeil, Allen	Mirski, Paul	Phinney, William	Scanlan, David
Teschner, Douglass	Trelfa, Richard	Tucker, John	Williams, William, Jr.

**HILLSBOROUGH**

Aksten, Cheryl	Alukonis, David	Amidon, Eleanor	Andrews, Frederick
Arnold, Thomas, Jr.	Asselin, Robert	Belvin, William	Boutin, David
Bridgewater, Charles	Brundige, Robert	Burke, M. Virginia	Calawa, Leon, Jr.
Cepaitis, Elizabeth	Champagne, Norma	Clegg, Robert, Jr.	Daniels, Gary
Desmarais, Vivian	Desrosiers, William	Dodge, Emma	Dokmo, Cynthia
Durham, Susan	Dyer, Merton	Emerton, Lawrence, Sr.	Feng, David
Fenton, James	Ferguson, Charles	Fields, Dennis	Francoeur, Gary
Franks, Suzan	Gagnon, Eugene	Gibson, John	Gotham, Rita
Goulet, Maurice	Hallyburton, Margaret	Hart, Nick	Herman, Keith
Holden, Carol	Holley, Sylvia	Holt, Mark	Hunter, Bruce
Jean, Loren	Kane, Laura	Kelley, Robert	Krochmal, Mark
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lefebvre, Roland
Legacy, Earl	Letendre, Evelyn	Luebkert, Bernard	MacGillivray, Jeffrey
MacIntyre, Doris	Marcinkowski, Michael	McCarty, Winston	McMahon, Donald
McRae, Karen	Mercer, Robert	Messier, Irene	Milligan, Robert
Mittelman, David	Morello, Michael	O'Hearn, Jane	Packard, Bonnie
Pappas, Marc	Pepino, Leo	Perkins, Paul	Peters, Stanley
Riley, Frances	Sallada, Roland	Sargent, Maxwell	Searles, Stanley, Sr.
Showerman, Peter	Streeter, Janice	Sullens, Joan	Thulander, O. Alan
Wells, Peter, Sr.	Wheeler, Craig	Wheeler, Robert	White, Donald
Worthen, Dorothy	Wright, George		

**MERRIMACK**

Adams, Stephen	Barberia, Richard	Brown, Mary	Buessing, Marjorie
Chandler, Earle	Chandler, John	Crowell, Peter	Feuerstein, Martin

Hess, David  
Lamach, Bernard  
MacKay, James  
Pitman, Mary Ellen  
Weeks, John, Jr.

Holmes, Mary  
Langer, Ray  
Nichols, Avis  
Shaw, Randall  
Whalley, Michael

Jacobson, Alf  
Little, Michael  
Patenaude, Amy  
Varsalone, Robert  
Willis, Jack

Kennedy, Richard  
Lockwood, Robert  
Pfaff, Terence  
Warner, Richard

### ROCKINGHAM

Aranda, M. Kathryn  
Beaulieu, Jon  
Camm, Kevin  
Conroy, Janet  
Dolan, Richard  
Flanagan, Natalie  
Goddard, Warren  
Hutchinson, Karen  
Klemm, Arthur, Jr.  
Lovejoy, Marian  
McCarthy, John, Jr.  
Noyes, Richard  
Raynowska, Bernard  
Sabella, Norma  
Smith, Arthur  
Sytek, John  
Weyler, Kenneth

Arndt, Janet  
Belanger, Ronald  
Carson, Gregory  
Cote, Patricia  
Dowling, Patricia  
Flanders, John, Sr.  
Haynes, Richard  
Johnson, Robert  
Kobel, Rudolph  
Lupien, James  
McKinney, Betsy  
Packard, Sherman  
Richards, David  
Scanlon, Edward  
Stone, Joseph  
Tufts, J. Arthur  
Yennaco, Carol

Attar, Kevin  
Bishop, Franklin  
Case, Margaret  
Crossman, Harold, Jr.  
Dube, LeRoy  
Gage, Beverly  
Henderson, Warren  
Katsakiores, George  
Kruse, Fred  
Magoon, Harold  
Morris, Debbie  
Pratt, Katharin  
Ross, James  
Senter, Marilyn  
Stritch, C. Donald  
Weare, Everett

Battles, Marjorie  
Boucher, William  
Christie, Andrew, Jr.  
Dodge, Robert  
Dunham, Vivian  
Gleason, John  
Hurst, Sharleene  
Katsakiores, Phyllis  
Langley, Jane  
Malcolm, Ken  
Nowe, Ronald  
Putnam, Ed, II  
Rubin, George  
Simmons, John Anthony  
Sytek, Donna  
Welch, David

### STRAFFORD

Douglass, Clyde  
Nehring, William  
Torr, Franklin

Dunlap, Patricia  
Spear, Barbara  
Torr, Ralph

Hanlon, Mark  
Steadman, Frederick  
Wasson, Richard

McKinley, Robert  
Torr, Ann

### SULLIVAN

Adler, Rudolf  
Lindblade, Eric

Behrens, Thomas  
Peyron, Fredrik

Flint, Gordon  
Schotanus, Merle

Krueger, Richard

and the floor amendment failed.

Rep. Fuller Clark offered a floor amendment.

### Floor Amendment (0992L)

House rule 46(d) and (e), relative to the referral of bills containing criminal penalties to the Committee on Corrections and Criminal Justice and relative to the authority of committee chairman to decline the referral of a bill from another committee or waive public hearing of a bill referred from another committee, are repealed.

Reps. Fuller Clark, DePecol, Crory and Keans spoke in favor.

Reps. Lozeau and Donna Sytek spoke against and yielded to questions.

Rep. Vivian Clark requested that the question be divided. The Speaker ruled that the question was divisible.

Rep. Donna Sytek requested a roll call; sufficiently seconded. The question being the adoption of section (d) of the floor amendment.

**YEAS 121 - NAYS 238**

**YEAS 121**

**BELKNAP**

Dewhirst, Glenn

Lawton, Robert

**CARROLL**

Kenney, Joseph

Mock, Henry



**CHESHIRE**

Burnham, Daniel	Champagne, Richard	DePecol, Benjamin	Doucette, Richard
Kingsbury, H. Thayer	Lynch, Margaret	McGuirk, Paul	Pratt, Irene
Richardson, Barbara	Riley, William	Robertson, Timothy	Russell, Ronald
Wollner, Robert			

**COOS**

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Hawkinson, Marie
Mayhew, Josephine	Mears, Edgar		

**GRAFTON**

Adams, Carl	Below, Clifton	Copenhaver, Marion	Crory, Elizabeth
Larson, Nils, Jr.	Lovett, Sidney	Nordgren, Sharon	

**HILLSBOROUGH**

Ahern, Richard	Allen, W. Gordon	Bergeron, Normand	Buckley, Raymond
Clemons, Jane	Cote, David	Cote, Peter	Desmarais, Vivian
Dwyer, Paul, Sr.	Fenton, James	Foster, Linda	Haettenschwiller, Alphonse
Hallyburton, Margaret	Hussey, Mary	Jean, Claudette	Kane, Laura
Kirby, Thomas	Laughlin, J. Francis	Lefebvre, Roland	Martin, Mary
McCarthy, William	McRae, Karen	Melcher, Harold	Messier, Irene
O'Rourke, Joanne	Philbrook, Paula	Reidy, Frank	Soucy, Donna
Soucy, Richard	Turgeon, Roland	Wheeler, Craig	White, John

**MERRIMACK**

Adams, Stephen	Crosby, Toni	Daneault, Gabriel	DeStefano, Stephen
Dunn, Miriam	Fraser, Marilyn	Lockwood, Robert	Moore, Carol
Newland, Matthew	Owen, Derek	Rogers, Katherine	Trombly, Rick
Whittemore, James	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Bishop, Franklin	Clark, Martha	Coes, Betsy
Dolan, Richard	Dowling, Patricia	Gorman, Donald	Hawkins, Robert
Hutchinson, Karen	Kane, Cecelia	Kelley, Jane	McGovern, Cynthia
Pantelakos, Laura	Smith, Arthur	Splaine, James	Syracusa, Anthony
Vaughn, Charles			

**STRAFFORD**

Berube, Roger	Brown, George	Callaghan, Frank	Chagnon, Ronald
DeChane, Marlene	Grassie, Anne	Hambrick, Patricia	Hanlon, Mark
Hemon, Roland	Hilliard, Dana	Keans, Sandra	Loder, Suzanne
Lundborn, Raymond	McCann, William, Jr.	Merrill, Amanda	Merritt, Deborah
Pelletier, Arthur	Snyder, Clair	Sullivan, Henry	Vincent, Francis
Wall, Janet	Wheeler, Katherine	Williams, Howard	

**SULLIVAN**

Cloutier, John	Krueger, Richard	Palmer, Lorraine	Stettenheim, Sandy
Whipple, Allen			

**NAYS 238****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Cain, Thomas	Golden, Paul
Holbrook, Robert	Hurt, George	Johnson, James	Laflam, Robert
Lawton, David	Rice, Thomas, Jr.	Rosen, Ralph	Thomas, John
Turner, Robert	Wendelboe, Francine	Ziegler, Alice	

**CARROLL**

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey	Lyman, L. Randy
Patten, Betsey	Philbrick, Donald		

**CHESHIRE**

Avery, Stephen	Cole, Stacey	Feuer, Joseph	Hunt, John
Laurent, John	Manning, Joseph	McNamara, Wanda	Metzger, Katherine
Royce, H. Charles	Smith, Edwin	Steere, Myron, III	

**COOS**

Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	St. Hilaire, Paul		

**GRAFTON**

Bean, Pamela	Brown, Alson	Brown, Channing	Chase, Paul, Jr.
Cobbin, Philip	Connolly, Steven	Eaton, Stephanie	Hill, Richard
LaMott, Paul	MacNeil, Allen	Mirski, Paul	Phinney, William
Scanlan, David	Teschner, Douglass	Trelfa, Richard	Tucker, John
Williams, William, Jr.			

**HILLSBOROUGH**

Aksten, Cheryl	Alukonis, David	Amidon, Eleanor	Andrews, Frederick
Arnold, Thomas, Jr.	Belvin, William	Boutin, David	Bridgewater, Charles
Brundige, Robert	Burke, M. Virginia	Calawa, Leon, Jr.	Cepaitis, Elizabeth
Champagne, Norma	Clegg, Robert, Jr.	Daniels, Gary	Desrosiers, William
Dodge, Emma	Dokmo, Cynthia	Durham, Susan	Dyer, Merton
Emerton, Lawrence, Sr.	Feng, David	Ferguson, Charles	Fields, Dennis
Francoeur, Gary	Franks, Suzan	Gagnon, Eugene	Gibson, John
Gotham, Rita	Goulet, Maurice	Hart, Nick	Holden, Carol
Holley, Sylvia	Holt, David	Holt, Mark	Hunter, Bruce
Jean, Loren	Johnson, Lionel	Kelley, Robert	Krochmal, Mark
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Legacy, Earl
Letendre, Evelyn	Lozeau, Donnalee	Luebker, Bernard	MacGillivray, Jeffrey
MacIntyre, Doris	Marcinkowski, Michael	McCarty, Winston	McMahon, Donald
Mercer, Robert	Milligan, Robert	Mittelman, David	Morello, Michael
O'Hearn, Jane	Packard, Bonnie	Pappas, Marc	Pepino, Leo
Perkins, Paul	Peters, Stanley	Riley, Frances	Sallada, Roland
Sargent, Maxwell	Searles, Stanley, Sr.	Showerman, Peter	Streeter, Janice
Sullens, Joan	Taylor, Paul	Thulander, O. Alan	Toomey, Kathryn
Wells, Peter, Sr.	Wheeler, Robert	White, Donald	Worthen, Dorothy
Wright, George			

**MERRIMACK**

Barberia, Richard	Brown, Mary	Buessing, Marjorie	Chandler, Earle
Chandler, John	Crowell, Peter	Feuerstein, Martin	Hess, David
Holmes, Mary	Jacobson, Alf	Kennedy, Richard	Lamach, Bernard
Langer, Ray	Little, Michael	MacKay, James	Nichols, Avis
Patenaude, Amy	Pfaff, Terence	Pitman, Mary Ellen	Shaw, Randall
Varsalone, Robert	Warner, Richard	Weeks, John, Jr.	Whalley, Michael
Willis, Jack			

**ROCKINGHAM**

Aranda, M. Kathryn	Arndt, Janet	Attar, Kevin	Battles, Marjorie
Beaulieu, Jon	Belanger, Ronald	Boucher, William	Camm, Kevin
Carson, Gregory	Case, Margaret	Christie, Andrew, Jr.	Clark, Vivian
Conroy, Janet	Cote, Patricia	Crossman, Harold, Jr.	Dodge, Robert

Dube, LeRoy  
 Flanders, John, Sr.  
 Haynes, Richard  
 Katsakiores, George  
 Kruse, Fred  
 Magoon, Harold  
 Morris, Debbie  
 Pratt, Katharin  
 Ross, James  
 Senter, Marilyn  
 Sytek, John  
 Weyler, Kenneth

Dunham, Vivian  
 Gage, Beverly  
 Henderson, Warren  
 Katsakiores, Phyllis  
 Langley, Jane  
 Malcolm, Ken  
 Nowe, Ronald  
 Putnam, Ed, II  
 Rubin, George  
 Stone, Joseph  
 Tufts, J. Arthur  
 Yennaco, Carol

Felch, Charles, Sr.  
 Gleason, John  
 Hurst, Sharleene  
 Klemm, Arthur, Jr.  
 Lovejoy, Marian  
 McCarthy, John, Jr.  
 Noyes, Richard  
 Raynowska, Bernard  
 Sabella, Norma  
 Stritch, C. Donald  
 Weare, Everett

Flanagan, Natalie  
 Goddard, Warren  
 Johnson, Robert  
 Kobel, Rudolph  
 Lupien, James  
 McKinney, Betsy  
 Packard, Sherman  
 Richards, David  
 Scanlon, Edward  
 Sytek, Donna  
 Welch, David

### STRAFFORD

Dunlap, Patricia  
 Steadman, Frederick  
 Wasson, Richard

McKinley, Robert  
 Torr, Ann

Nehring, William  
 Torr, Franklin

Spear, Barbara  
 Torr, Ralph

### SULLIVAN

Adler, Rudolf  
 Peyron, Fredrik

Behrens, Thomas  
 Schotanus, Merle

Flint, Gordon

Lindblade, Eric

and section (d) of the floor amendment failed.

Rep. Tessimond did not vote and intended to vote yea.

Rep. Donna Sytek requested a roll call; sufficiently seconded. The question being the adoption of section (c) of the floor amendment.

### YEAS 130 - NAYS 229

### YEAS 130

### BELKNAP

Dewhirst, Glenn

Hurt, George

### CARROLL

None

### CHESHIRE

Burnham, Daniel  
 Kingsbury, H. Thayer  
 Richardson, Barbara  
 Wollner, Robert

Champagne, Richard  
 Lynch, Margaret  
 Riley, William

DePecol, Benjamin  
 McGuirk, Paul  
 Robertson, Timothy

Doucette, Richard  
 Pratt, Irene  
 Russell, Ronald

### COOS

Bradley, Paula  
 Mayhew, Josephine

Coulombe, Henry  
 Mears, Edgar

Coulombe, Yvonne

Hawkinson, Marie

### GRAFTON

Below, Clifton  
 Lovett, Sidney

Copenhaver, Marion  
 Nordgren, Sharon

Crory, Elizabeth  
 Tucker, John

Larson, Nils, Jr.

### HILLSBOROUGH

Ahern, Richard  
 Buckley, Raymond  
 Desmarais, Vivian  
 Foster, Linda  
 Hunter, Bruce  
 Kirby, Thomas

Allen, W. Gordon  
 Clemons, Jane  
 Durham, Susan  
 Francoeur, Gary  
 Hussey, Mary  
 Krochmal, Mark

Arnold, Thomas, Jr.  
 Cote, David  
 Dwyer, Paul, Sr.  
 Haettenschwiller, Alphonse  
 Jean, Claudette  
 Laughlin, J. Francis

Bergeron, Normand  
 Cote, Peter  
 Fenton, James  
 Holt, David  
 Johnson, Lionel  
 Lozeau, Donnalee

Marcinkowski, Michael  
Melcher, Harold  
Reidy, Frank  
Toomey, Kathryn

Martin, Mary  
Messier, Irene  
Soucy, Donna  
Turgeon, Roland

McCarthy, William  
O'Rourke, Joanne  
Soucy, Richard  
Wheeler, Craig

McRae, Karen  
Philbrook, Paula  
Taylor, Paul  
White, John

### MERRIMACK

Adams, Stephen  
Dunn, Miriam  
Owen, Derek  
Yeaton, Charles

Crosby, Toni  
Fraser, Marilyn  
Rogers, Katherine

Daneault, Gabriel  
Moore, Carol  
Trombly, Rick

DeStefano, Stephen  
Newland, Matthew  
Whittemore, James

### ROCKINGHAM

Abbott, Dennis  
Clark, Vivian  
Hutchinson, Karen  
Lupien, James  
Smith, Arthur

Aranda, M. Kathryn  
Coes, Betsy  
Kane, Cecelia  
McGovern, Cynthia  
Splaine, James

Bishop, Franklin  
Gorman, Donald  
Kelley, Jane  
Pantelakos, Laura  
Syracusa, Anthony

Clark, Martha  
Hawkins, Robert  
Kruse, Fred  
Rubin, George  
Vaughn, Charles

### STRAFFORD

Berube, Roger  
DeChane, Marlene  
Hemon, Roland  
Lundborn, Raymond  
Pelletier, Arthur  
Vincent, Francis

Brown, George  
Grassie, Anne  
Hilliard, Dana  
McCann, William, Jr.  
Snyder, Clair  
Wall, Janet

Callaghan, Frank  
Hambrick, Patricia  
Keans, Sandra  
Merrill, Amanda  
Sullivan, Henry  
Wheeler, Katherine

Chagnon, Ronald  
Hanlon, Mark  
Loder, Suzanne  
Merritt, Deborah  
Tessimond, Shane  
Williams, Howard

### SULLIVAN

Cloutier, John  
Whipple, Allen

Krueger, Richard

Palmer, Lorraine

Stettenheim, Sandy

### NAYS 229

#### BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Lawton, Robert  
Turner, Robert

Boriso, Thomas  
Johnson, James  
Rice, Thomas, Jr.  
Wendelboe, Francine

Cain, Thomas  
Lafam, Robert  
Rosen, Ralph  
Ziegra, Alice

Golden, Paul  
Lawton, David  
Thomas, John

#### CARROLL

Babson, David, Jr.  
Dickinson, Howard, Jr.  
Lyman, L. Randy

Beach, Mildred  
Foster, Robert  
Mock, Henry

Bradley, Jeb  
Howard, Godfrey  
Patten, Betsey

Chandler, Gene  
Kenney, Joseph  
Philbrick, Donald

#### CHESHIRE

Avery, Stephen  
Laurent, John  
Royce, H. Charles

Cole, Stacey  
Manning, Joseph  
Smith, Edwin

Feuer, Joseph  
McNamara, Wanda  
Steere, Myron, III

Hunt, John  
Metzger, Katherine

#### COOS

Davis, Perley  
Pratt, Leighton

Guay, Lawrence  
St. Hilaire, Paul

Horton, Lynn

Merrill, Gerald

#### GRAFTON

Adams, Carl  
Chase, Paul, Jr.  
Hill, Richard  
Phinney, William  
Williams, William, Jr.

Bean, Pamela  
Cobbin, Philip  
LaMott, Paul  
Scanlan, David

Brown, Alson  
Connolly, Steven  
MacNeil, Allen  
Teschner, Douglass

Brown, Channing  
Eaton, Stephanie  
Mirski, Paul  
Trelfa, Richard

**HILLSBOROUGH**

Aksten, Cheryl	Alukonis, David	Amidon, Eleanor	Andrews, Frederick
Belvin, William	Boutin, David	Bridgewater, Charles	Brundige, Robert
Burke, M. Virginia	Calawa, Leon, Jr.	Cepaitis, Elizabeth	Champagne, Norma
Clegg, Robert, Jr.	Daniels, Gary	Desrosiers, William	Dodge, Emma
Dokmo, Cynthia	Dyer, Merton	Emerton, Lawrence, Sr.	Feng, David
Ferguson, Charles	Fields, Dennis	Franks, Suzan	Gagnon, Eugene
Gibson, John	Gotham, Rita	Goulet, Maurice	Hallyburton, Margaret
Hart, Nick	Holden, Carol	Holley, Sylvia	Holt, Mark
Jean, Loren	Kane, Laura	Kelley, Robert	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lefebvre, Roland	Legacy, Earl
Letendre, Evelyn	Luebker, Bernard	MacGillivray, Jeffrey	MacIntyre, Doris
McCarty, Winston	McMahon, Donald	Mercer, Robert	Milligan, Robert
Mittelman, David	Morello, Michael	O'Hearn, Jane	Packard, Bonnie
Pappas, Marc	Pepino, Leo	Perkins, Paul	Peters, Stanley
Riley, Frances	Sallada, Roland	Sargent, Maxwell	Searles, Stanley, Sr.
Showerman, Peter	Streeter, Janice	Sullens, Joan	Thulander, O. Alan
Wells, Peter, Sr.	Wheeler, Robert	White, Donald	Worthen, Dorothy
Wright, George			

**MERRIMACK**

Barberia, Richard	Brown, Mary	Buessing, Marjorie	Chandler, Earle
Chandler, John	Crowell, Peter	Feuerstein, Martin	Holmes, Mary
Jacobson, Alf	Kennedy, Richard	Lamach, Bernard	Langer, Ray
Little, Michael	Lockwood, Robert	MacKay, James	Nichols, Avis
Patenaude, Amy	Pfaff, Terence	Pitman, Mary Ellen	Shaw, Randall
Varsalone, Robert	Warner, Richard	Weeks, John, Jr.	Whalley, Michael
Willis, Jack			

**ROCKINGHAM**

Arndt, Janet	Attar, Kevin	Battles, Marjorie	Beaulieu, Jon
Belanger, Ronald	Boucher, William	Camm, Kevin	Carson, Gregory
Case, Margaret	Christie, Andrew, Jr.	Conroy, Janet	Cote, Patricia
Crossman, Harold, Jr.	Dodge, Robert	Dolan, Richard	Dowling, Patricia
Dube, LeRoy	Dunham, Vivian	Felch, Charles, Sr.	Flanagan, Natalie
Flanders, John, Sr.	Gage, Beverly	Gleason, John	Goddard, Warren
Haynes, Richard	Henderson, Warren	Hurst, Sharleene	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph
Langley, Jane	Lovejoy, Marian	Magoon, Harold	Malcolm, Ken
McCarthy, John, Jr.	McKinney, Betsy	Morris, Debbie	Nowe, Ronald
Noyes, Richard	Packard, Sherman	Pratt, Katharin	Putnam, Ed, II
Raynowska, Bernard	Richards, David	Ross, James	Sabella, Norma
Scanlon, Edward	Senter, Marilyn	Stone, Joseph	Stritch, C. Donald
Sytek, Donna	Sytek, John	Tufts, J. Arthur	Weare, Everett
Welch, David	Weyler, Kenneth	Yennaco, Carol	

**STRAFFORD**

Dunlap, Patricia	McKinley, Robert	Nehring, William	Spear, Barbara
Steadman, Frederick	Torr, Ann	Torr, Franklin	Torr, Ralph
Wasson, Richard			

**SULLIVAN**

Adler, Rudolf	Behrens, Thomas	Flint, Gordon	Lindblade, Eric
Peyron, Fredrik	Schotanus, Merle		

and section (e) of the floor amendment failed.

Rep. Crory offered a floor amendment.

### **Floor Amendment (1031L)**

House rule 43 (b)(2) and (3) are repealed and reenacted to read as follows:

(b)(2) Executive sessions shall be advertised in the House Calendar no less than two days prior to committee action, or shall be announced on the floor of the House by the chairman of the appropriate committee one day in advance.

(3) Notices of subcommittee meetings and all other committee meetings at which decisions are made or information is received shall be specific to time, date and content and will follow all notice and other rules pertaining to committee meetings.

Rep. Crory spoke in favor.

Rep. Behrens spoke against.

Rep. Trombly spoke in favor and yielded to questions.

Rep. Bonnie Packard spoke against and yielded to questions.

Rep. Donna Sytek requested a roll call; sufficiently seconded. The question being the adoption of the floor amendment.

## **YEAS 106 - NAYS 249**

### **YEAS 106**

#### **BELKNAP**

Dewhirst, Glenn

#### **CARROLL**

None

#### **CHESHIRE**

Burnham, Daniel  
Kingsbury, H. Thayer  
Pratt, Irene  
Russell, Ronald

Champagne, Richard  
Lynch, Margaret  
Richardson, Barbara  
Wollner, Robert

DePecol, Benjamin  
Manning, Joseph  
Riley, William

Doucette, Richard  
McGuirk, Paul  
Robertson, Timothy

#### **COOS**

Bradley, Paula  
Mayhew, Josephine

Coulombe, Henry  
Mears, Edgar

Coulombe, Yvonne  
Pratt, Leighton

Hawkinson, Marie

#### **GRAFTON**

Below, Clifton  
Nordgren, Sharon

Copenhaver, Marion

Crory, Elizabeth

Lovett, Sidney

#### **HILLSBOROUGH**

Ahern, Richard  
Buckley, Raymond  
Dwyer, Paul, Sr.  
Jean, Claudette  
L'Heureux, Robert  
O'Rourke, Joanne  
Soucy, Richard  
Wheeler, Craig

Allen, W. Gordon  
Clemons, Jane  
Foster, Linda  
Johnson, Lionel  
Lefebvre, Roland  
Philbrook, Paula  
Taylor, Paul  
White, John

Asselin, Robert  
Cote, David  
Haettenschwiler, Alphonse  
Kane, Laura  
Martin, Mary  
Reidy, Frank  
Toomey, Kathryn

Bergeron, Normand  
Cote, Peter  
Hussey, Mary  
Kirby, Thomas  
Melcher, Harold  
Soucy, Donna  
Turgeon, Roland

#### **MERRIMACK**

Crosby, Toni  
Fraser, Marilyn  
Rogers, Katherine

Daneault, Gabriel  
Moore, Carol  
Trombly, Rick

DeStefano, Stephen  
Newland, Matthew  
Yeaton, Charles

Dunn, Miriam  
Owen, Derek

#### **ROCKINGHAM**

Abbott, Dennis  
Kelley, Jane  
Splaine, James

Clark, Martha  
Kruse, Fred  
Syracusa, Anthony

Coes, Betsy  
Packard, Sherman  
Tufts, J. Arthur

Kane, Cecelia  
Pantelakos, Laura  
Vaughn, Charles

**STRAFFORD**

Berube, Roger  
DeChane, Marlene  
Hilliard, Dana  
Merrill, Amanda  
Sullivan, Henry  
Wheeler, Katherine

Brown, George  
Grassie, Anne  
Loder, Suzanne  
Merritt, Deborah  
Tessimond, Shane  
Williams, Howard

Callaghan, Frank  
Hambrick, Patricia  
Lundborn, Raymond  
Pelletier, Arthur  
Vincent, Francis

Chagnon, Ronald  
Hemon, Roland  
McCann, William, Jr.  
Snyder, Clair  
Wall, Janet

**SULLIVAN**

Cloutier, John

Palmer, Lorraine

Stettenheim, Sandy

Whipple, Allen

**NAYS 249****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Lawton, David  
Turner, Robert

Boriso, Thomas  
Hurt, George  
Lawton, Robert  
Wendelboe, Francine

Cain, Thomas  
Johnson, James  
Rice, Thomas, Jr.  
Ziegler, Alice

Golden, Paul  
Lafiam, Robert  
Thomas, John

**CARROLL**

Babson, David, Jr.  
Dickinson, Howard, Jr.  
Lyman, L. Randy

Beach, Mildred  
Foster, Robert  
Mock, Henry

Bradley, Jeb  
Howard, Godfrey  
Patten, Betsey

Chandler, Gene  
Kenney, Joseph  
Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
Laurent, John  
Smith, Edwin

Cole, Stacey  
McNamara, Wanda  
Steere, Myron, III

Feuer, Joseph  
Metzger, Katherine

Hunt, John  
Royce, H. Charles

**COOS**

Davis, Perley  
St. Hilaire, Paul

Guay, Lawrence

Horton, Lynn

Merrill, Gerald

**GRAFTON**

Adams, Carl  
Chase, Paul, Jr.  
Hill, Richard  
Mirski, Paul  
Trelfa, Richard

Bean, Pamela  
Cobbin, Phillip  
LaMott, Paul  
Phinney, William  
Tucker, John

Brown, Alson  
Connolly, Steven  
Larson, Nils, Jr.  
Scanlan, David  
Williams, William, Jr.

Brown, Channing  
Eaton, Stephanie  
MacNeil, Allen  
Teschner, Douglass

**HILLSBOROUGH**

Aksten, Cheryl  
Arnold, Thomas, Jr.  
Brundige, Robert  
Champagne, Norma  
Desrosiers, William  
Dyer, Merton  
Ferguson, Charles  
Gagnon, Eugene  
Hallyburton, Margaret  
Holt, David  
Krochmal, Mark  
Legacy, Earl  
MacGillivray, Jeffrey  
McCarty, Winston  
Messier, Irene

Alukonis, David  
Belvin, William  
Burke, M. Virginia  
Clegg, Robert, Jr.  
Dodge, Emma  
Emerton, Lawrence, Sr.  
Fields, Dennis  
Gibson, John  
Hart, Nick  
Hunter, Bruce  
Kurk, Neal  
Letendre, Evelyn  
MacIntyre, Doris  
McMahon, Donald  
Milligan, Robert

Amidon, Eleanor  
Boutin, David  
Calawa, Leon, Jr.  
Daniels, Gary  
Dokmo, Cynthia  
Feng, David  
Francoeur, Gary  
Gotham, Rita  
Holden, Carol  
Jean, Loren  
LaRose, Richard  
Lozeau, Donnalee  
Marcinkowski, Michael  
McRae, Karen  
Mittelman, David

Andrews, Frederick  
Bridgewater, Charles  
Cepaitis, Elizabeth  
Desmarais, Vivian  
Durham, Susan  
Fenton, James  
Franks, Suzan  
Goulet, Maurice  
Holley, Sylvia  
Kelley, Robert  
Laughlin, J. Francis  
Luebker, Bernard  
McCarthy, William  
Mercer, Robert  
Morello, Michael

O'Hearn, Jane  
Perkins, Paul  
Sargent, Maxwell  
Sullens, Joan  
White, Donald

Packard, Bonnie  
Peters, Stanley  
Searles, Stanley, Sr.  
Thulander, O. Alan  
Worthen, Dorothy

Pappas, Marc  
Riley, Frances  
Showerman, Peter  
Wells, Peter, Sr.  
Wright, George

Pepino, Leo  
Sallada, Roland  
Streeter, Janice  
Wheeler, Robert

### MERRIMACK

Adams, Stephen  
Chandler, Earle  
Holmes, Mary  
Langer, Ray  
Nichols, Avis  
Shaw, Randall  
Whalley, Michael

Barberia, Richard  
Chandler, John  
Jacobson, Alf  
Little, Michael  
Patenaude, Amy  
Varsalone, Robert  
Whittemore, James

Brown, Mary  
Crowell, Peter  
Kennedy, Richard  
Lockwood, Robert  
Pfaff, Terence  
Warner, Richard  
Willis, Jack

Buessing, Marjorie  
Feuerstein, Martin  
Lamach, Bernard  
MackKay, James  
Pitman, Mary Ellen  
Weeks, John, Jr.

### ROCKINGHAM

Aranda, M. Kathryn  
Belanger, Ronald  
Case, Margaret  
Cote, Patricia  
Dowling, Patricia  
Flanagan, Natalie  
Goddard, Warren  
Henderson, Warren  
Katsakiores, George  
Langley, Jane  
Malcolm, Ken  
Nowe, Ronald  
Raynowska, Bernard  
Sabella, Norma  
Stone, Joseph  
Weare, Everett

Arndt, Janet  
Bishop, Franklin  
Christie, Andrew, Jr.  
Crossman, Harold, Jr.  
Dube, LeRoy  
Flanders, John, Sr.  
Gorman, Donald  
Hurst, Sharleene  
Katsakiores, Phyllis  
Lovejoy, Marian  
McCarthy, John, Jr.  
Noyes, Richard  
Richards, David  
Scanlon, Edward  
Stritch, C. Donald  
Welch, David

Attar, Kevin  
Boucher, William  
Clark, Vivian  
Dodge, Robert  
Dunham, Vivian  
Gage, Beverly  
Hawkins, Robert  
Hutchinson, Karen  
Klemm, Arthur, Jr.  
Lupien, James  
McKinney, Betsy  
Pratt, Katharin  
Ross, James  
Senter, Merilyn  
Sytek, Donna  
Weyler, Kenneth

Beaulieu, Jon  
Camm, Kevin  
Conroy, Janet  
Dolan, Richard  
Felch, Charles, Sr.  
Gleason, John  
Haynes, Richard  
Johnson, Robert  
Kobel, Rudolph  
Magoon, Harold  
Morris, Debbie  
Putnam, Ed, II  
Rubin, George  
Smith, Arthur  
Sytek, John  
Yennaco, Carol

### STRAFFORD

Dunlap, Patricia  
Nehring, William  
Torr, Franklin

Hanlon, Mark  
Spear, Barbara  
Torr, Ralph

Keans, Sandra  
Steadman, Frederick  
Wasson, Richard

McKinley, Robert  
Torr, Ann

### SULLIVAN

Adler, Rudolf  
Lindblade, Eric

Behrens, Thomas  
Peyron, Fredrik

Flint, Gordon  
Schotanus, Merle

Krueger, Richard

and the floor amendment failed.

Rep. Rosen did not vote and intended to vote nay.

Rep. Copenhaver offered a floor amendment.

#### Floor Amendment (0975L)

Amend the house rules by inserting after house rule 46 the following new house rule:

46-a. No tax, fee, or assessment shall be increased above its statutory rate, unless 3/5 of the members present vote in favor of such increase.

Rep. Copenhaver spoke in favor.

Reps. Frances Riley and Jacobson spoke against and yielded to questions.

Reps. McCann and Trombly spoke in favor and yielded to questions.

Rep. Kurk spoke against.

Rep. Ann Torr requested a roll call; sufficiently seconded. The question being the adoption of the floor amendment.



**YEAS 92 - NAYS 263****YEAS 92****BELKNAP**

None

**CARROLL**

None

**CHESHIRE**

Burnham, Daniel  
Kingsbury, H. Thayer  
Richardson, Barbara  
Wollner, Robert

Champagne, Richard  
Lynch, Margaret  
Riley, William

DePecol, Benjamin  
McGuirk, Paul  
Robertson, Timothy

Doucette, Richard  
Pratt, Irene  
Russell, Ronald

**COOS**

Bradley, Paula  
Mears, Edgar

Coulombe, Henry

Hawkinson, Marie

Mayhew, Josephine

**GRAFTON**

Below, Clifton  
Lovett, Sidney

Copenhaver, Marion  
Nordgren, Sharon

Crory, Elizabeth

LaMott, Paul

**HILLSBOROUGH**

Ahern, Richard  
Clemons, Jane  
Haettenschwiller, Alphonse  
Kane, Laura  
Martin, Mary  
Philbrook, Paula  
Turgeon, Roland

Asselin, Robert  
Cote, David  
Hussey, Mary  
Kirby, Thomas  
McCarthy, William  
Reidy, Frank  
White, John

Bergeron, Normand  
Dwyer, Paul, Sr.  
Jean, Claudette  
Laughlin, J. Francis  
Melcher, Harold  
Soucy, Donna

Buckley, Raymond  
Foster, Linda  
Johnson, Lionel  
Lefebvre, Roland  
O'Rourke, Joanne  
Toomey, Kathryn

**MERRIMACK**

Crosby, Toni  
Fraser, Marilyn  
Rogers, Katherine

Daneault, Gabriel  
Moore, Carol  
Trombly, Rick

DeStefano, Stephen  
Newland, Matthew

Dunn, Miriam  
Owen, Derek

**ROCKINGHAM**

Abbott, Dennis  
Pantelakos, Laura

Clark, Martha  
Splaine, James

Kane, Cecelia  
Syracusa, Anthony

Kelley, Jane  
Vaughn, Charles

**STRAFFORD**

Berube, Roger  
DeChane, Marlene  
Hilliard, Dana  
Merrill, Amanda  
Tessimond, Shane  
Williams, Howard

Brown, George  
Grassie, Anne  
Loder, Suzanne  
Pelletier, Arthur  
Vincent, Francis

Callaghan, Frank  
Hambrick, Patricia  
Lundborn, Raymond  
Snyder, Clair  
Wall, Janet

Chagnon, Ronald  
Hemon, Roland  
McCann, William, Jr.  
Sullivan, Henry  
Wheeler, Katherine

**SULLIVAN**

Palmer, Lorraine

Stettenheim, Sandy

Whipple, Allen

**NAYS 263****BELKNAP**

Bartlett, Gordon  
Golden, Paul

Boriso, Thomas  
Holbrook, Robert

Cain, Thomas  
Hurt, George

Dewhirst, Glenn  
Johnson, James

Laflam, Robert  
Rosen, Ralph  
Ziegler, Alice

Lawton, David  
Thomas, John

Lawton, Robert  
Turner, Robert

Rice, Thomas, Jr.  
Wendelboe, Francine

### CARROLL

Babson, David, Jr.  
Dickinson, Howard, Jr.  
Lyman, L. Randy

Beach, Mildred  
Foster, Robert  
Mock, Henry

Bradley, Jeb  
Howard, Godfrey  
Patten, Betsey

Chandler, Gene  
Kenney, Joseph  
Philbrick, Donald

### CHESHIRE

Avery, Stephen  
Laurent, John  
Royce, H. Charles

Cole, Stacey  
Manning, Joseph  
Smith, Edwin

Feuer, Joseph  
McNamara, Wanda  
Steere, Myron, III

Hunt, John  
Metzger, Katherine

### COOS

Coulombe, Yvonne  
Merrill, Gerald

Davis, Perley  
Pratt, Leighton

Guay, Lawrence  
St. Hilaire, Paul

Horton, Lynn

### GRAFTON

Adams, Carl  
Chase, Paul, Jr.  
Hill, Richard  
Phinney, William  
Tucker, John

Bean, Pamela  
Cobbin, Philip  
Larson, Nils, Jr.  
Scanlan, David  
Williams, William, Jr.

Brown, Alson  
Connolly, Steven  
MacNeil, Allen  
Teschner, Douglass

Brown, Channing  
Eaton, Stephanie  
Mirski, Paul  
Trelfa, Richard

### HILLSBOROUGH

Aksten, Cheryl  
Andrews, Frederick  
Bridgewater, Charles  
Cepaitis, Elizabeth  
Daniels, Gary  
Dokmo, Cynthia  
Feng, David  
Francoeur, Gary  
Gotham, Rita  
Holden, Carol  
Hunter, Bruce  
Kurk, Neal  
Letendre, Evelyn  
MacIntyre, Doris  
McRae, Karen  
Mittelman, David  
Pappas, Marc  
Riley, Frances  
Showerman, Peter  
Taylor, Paul  
Wheeler, Robert

Allen, W. Gordon  
Arnold, Thomas, Jr.  
Brundige, Robert  
Champagne, Norma  
Desmarais, Vivian  
Durham, Susan  
Fenton, James  
Franks, Suzan  
Goulet, Maurice  
Holley, Sylvia  
Jean, Loren  
L'Heureux, Robert  
Lozeau, DonnaLee  
Marcinkowski, Michael  
Mercer, Robert  
Morello, Michael  
Pepino, Leo  
Sallada, Roland  
Soucy, Richard  
Thulander, O. Alan  
White, Donald

Alukonis, David  
Belvin, William  
Burke, M. Virginia  
Clegg, Robert, Jr.  
Desrosiers, William  
Dyer, Merton  
Ferguson, Charles  
Gagnon, Eugene  
Hallyburton, Margaret  
Holt, David  
Kelley, Robert  
LaRose, Richard  
Luebker, Bernard  
McCarthy, Winston  
Messier, Irene  
O'Hearn, Jane  
Perkins, Paul  
Sargent, Maxwell  
Streeter, Janice  
Wells, Peter, Sr.  
Worthen, Dorothy

Amidon, Eleanor  
Boutin, David  
Calawa, Leon, Jr.  
Cote, Peter  
Dodge, Emma  
Emerton, Lawrence, Sr.  
Fields, Dennis  
Gibson, John  
Hart, Nick  
Holt, Mark  
Krochmal, Mark  
Legacy, Earl  
MacGillivray, Jeffrey  
McMahon, Donald  
Milligan, Robert  
Packard, Bonnie  
Peters, Stanley  
Searles, Stanley, Sr.  
Sullens, Joan  
Wheeler, Craig  
Wright, George

### MERRIMACK

Adams, Stephen  
Chandler, Earle  
Holmes, Mary  
Langer, Ray  
Nichols, Avis  
Shaw, Randall  
Whalley, Michael

Barberia, Richard  
Chandler, John  
Jacobson, Alf  
Little, Michael  
Patenaude, Amy  
Varsalone, Robert  
Whittemore, James

Brown, Mary  
Crowell, Peter  
Kennedy, Richard  
Lockwood, Robert  
Pfaff, Terence  
Warner, Richard  
Willis, Jack

Buessing, Marjorie  
Feuerstein, Martin  
Lamach, Bernard  
MacKay, James  
Pitman, Mary Ellen  
Weeks, John, Jr.  
Yeaton, Charles

**ROCKINGHAM**

Aranda, M. Kathryn	Arndt, Janet	Attar, Kevin	Beaulieu, Jon
Belanger, Ronald	Bishop, Franklin	Boucher, William	Camm, Kevin
Carson, Gregory	Case, Margaret	Christie, Andrew, Jr.	Clark, Vivian
Conroy, Janet	Cote, Patricia	Crossman, Harold, Jr.	Dodge, Robert
Dolan, Richard	Dunham, Vivian	Felch, Charles, Sr.	Flanagan, Natalie
Flanders, John, Sr.	Gleason, John	Goddard, Warren	Gorman, Donald
Hawkins, Robert	Haynes, Richard	Henderson, Warren	Hurst, Sharleene
Hutchinson, Karen	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Klemm, Arthur, Jr.	Kobel, Rudolph	Kruse, Fred	Langley, Jane
Lovejoy, Marian	Lupien, James	Magoon, Harold	Malcolm, Ken
McCarthy, John, Jr.	McGovern, Cynthia	McKinney, Betsy	Morris, Debbie
Nowe, Ronald	Noyes, Richard	Packard, Sherman	Pratt, Katharin
Putnam, Ed, II	Raynowska, Bernard	Richards, David	Ross, James
Rubin, George	Sabella, Norma	Scanlon, Edward	Senter, Marilyn
Smith, Arthur	Stone, Joseph	Stritch, C. Donald	Sytek, Donna
Sytek, John	Tufts, J. Arthur	Weare, Everett	Welch, David
Weyler, Kenneth	Yennaco, Carol		

**STRAFFORD**

Dunlap, Patricia	Hanlon, Mark	Keans, Sandra	McKinley, Robert
Merritt, Deborah	Nehring, William	Spear, Barbara	Steadman, Frederick
Torr, Ann	Torr, Franklin	Torr, Ralph	Wasson, Richard

**SULLIVAN**

Adler, Rudolf	Behrens, Thomas	Cloutier, John	Flint, Gordon
Krueger, Richard	Lindblade, Eric	Peyron, Fredrik	Schotanus, Merle

and the floor amendment failed.

**CONSENT CALENDAR**

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

**HB 130-FN**, relative to separate election ballots for straight ticket voting. **INEXPEDIENT TO LEGISLATE**

Rep. Jim McClarin for Constitutional and Statutory Revision: This bill requires separate party ballots for the purpose of straight ticket party voting in general elections. In addition to a ballot listing all parties' candidates for voters not requesting to vote a straight ticket ballot, this bill would impose a vastly more complex process on election officials, without due cause, and may confuse voters if implemented. Vote 18-0.

**HB 169**, relative to medical records and the fee for retrieving medical record copies. **INEXPEDIENT TO LEGISLATE**

Rep. Alson Brown for Health, Human Services and Elderly Affairs: The bill was withdrawn at the request of the sponsor. Vote 20-0.

**HB 127**, relative to the statement which must be signed by applicants for notary public or justice of the peace. **OUGHT TO PASS**

Rep. Nick Hart for Judiciary and Family Law: This bill is endorsed by the Secretary of State. The committee believes the bill clarifies the law and eliminates some confusion on the applications for Justice of the Peace and Notary Public. Vote 15-0.

**HB 159-FN**, establishing a one-day justice of the peace certificate and certificate fee. **INEXPEDIENT TO LEGISLATE**

Rep. Sandra Balomenos Keans for Judiciary and Family Law: The purpose of this bill is to allow a one day license so that any individual may perform a marriage for a friend or relative.

It does not permit any other duties of regular Justices of the Peace. There are two major concerns: (1) a regular Justice of the Peace is confirmed by the Governor and Council. The one-day request is automatic upon filing. (2) there is the possibility for confusion between the duties and authority for a one day vs a regular Justice of the Peace. There also appears to be no pressing need for this legislation based on the testimony. Vote 15-0.

**HB 102**, establishing terms of office for police chiefs and police officers elected by towns. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. MacKay for Municipal and County Government: The Municipal and County Government Committee voted this bill as Ought to Pass with amendment. The amendment allows a town at an annual meeting to decide to elect a police chief, police officer, or constable for a 1, 2, or 3 year term. The bill removes the rescission of any such vote at the next annual meeting. Vote 16-1.

**Amendment (0954L)**

Amend the title of the bill by replacing it with the following:

**AN ACT**

allowing towns to establish terms of office for police chiefs  
and police officers elected by towns.

Amend RSA 41:47 as inserted by section 2 of this bill by replacing it with the following:

41:47 Election. Any town at any annual meeting, under an article in the warrant for said meeting, may vote to elect by ballot one or more permanent constables or *police chiefs or other* police officers for full-time duty in said town and may rescind such action in like manner. No election of such permanent constable or *police chief* or police officer shall be held until the next succeeding annual meeting after the vote of the town[, as hereinbefore provided, and the rescission of any such vote shall not be effective until the next succeeding annual meeting]. *Any police chief or police officer or constable elected at an annual meeting may serve a one-year, 2-year, or 3-year term, as determined by the town at such annual meeting.*

**AMENDED ANALYSIS**

This bill allows towns to establish a one-year, 2-year or 3-year term of office for police chiefs and police officers elected by a town at an annual meeting. Currently, the vote to elect a police chief or police officer at an annual meeting may be rescinded by the town at its next annual meeting.

**HB 129**, relative to unlicensed dogs and nuisance dogs. **INEXPEDIENT TO LEGISLATE**

Rep. Linda T. Foster for Municipal and County Government: The committee believes that a forthcoming bill, HB 588, deals with this issue in a more inclusive, more specific, and more satisfactory way. The subject will be addressed in that legislation. Vote 16-0.

**HB 133-L**, allowing the local governing body to set certain fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for Municipal and County Government: This bill as amended updates applicable statutes and grants local licensing officials more control over itinerant vendors. Vote 17-0.

**Amendment (0950L)**

Amend the bill by replacing all after the enacting clause with the following:

1 Setting Fees Locally. RSA 286:8 is repealed and reenacted to read as follows:

286:8 Fees. The local governing body may set a reasonable annual license fee for each billiard table, pool table, or bowling alley.

2 Setting Fees Locally. RSA 321:11 is repealed and reenacted to read as follows:

321:11 Procuring. Every itinerant vendor intending to sell goods in any town shall file the vendor's state license and an application for a local license with the local licensing official, or designee, for such municipality, before selling, offering for sale, or exposing for sale any goods, and shall pay such reasonable license fee as determined by the municipality.

3 Receipt and Filing of Licenses. Amend RSA 321:15 to read as follows:

321:15 Receipt; Filing State License. A receipt for such local license fee, when paid, shall be endorsed by the [collector] *local licensing official, or designee*, on the back of such state li-

cense, [which] *and a copy* shall remain on file with the [collector] *local licensing official, or designee*, so long as such sale shall continue, or such goods be kept, offered or exposed for sale in such town.

4 Certain Advertising by Vendors. Amend RSA 321:19 to read as follows:

321:19 Advertisement. No itinerant vendor shall advertise, represent or hold forth any sale as an insurance, bankrupt, insolvent, assignee's, trustee's, testator's, executor's, administrator's, receiver's, wholesale, manufacturer's or closing-out sale, or as a sale of goods damaged by fire, smoke, water or otherwise, or in any similar form, unless [he] *such vendor* shall, before so doing state under oath to the secretary of state, and to the [tax collector] *local licensing official, or designee*, of each town where the goods are offered for sale, either in the applications for licenses, or in supplementary applications subsequently filed and copied on the licenses, all the facts relating thereto, the reason for and the character of such sale, including a statement of the names of the persons from whom the goods were obtained, the date of their delivery to the applicant, the place from which they were last taken and all the details necessary to locate and identify them.

5 Repeal. RSA 321:13, relative to certain local license fees, is repealed.

6 Effective Date. This act shall take effect 60 days after its passage.

**HB 160-L**, relative to the definition of "good cause" for the purpose of property tax abatements. **INEXPEDIENT TO LEGISLATE**

Rep. Elizabeth A. Cepaitis for Municipal and County Government: The committee disagrees with using "good cause" as a reason for abatement of an entire class of taxpayers. This bill would allow an abatement in taxes of those who have a dependent enrolled in a non-public learning facility. Vote 17-0.

**HB 162-L**, relative to the rate setting duties of the department of revenue administration. **INEXPEDIENT TO LEGISLATE**

Rep. Linda T. Foster for Municipal and County Government: The committee believes that the existing process offers due process for towns and cities to discuss and mediate disputes which may arise between the municipality's governing body and the Department of Revenue Administration. Moreover, the passage of this bill could make more lengthy and less flexible the existing process. Vote 17-1.

**HB 198-L**, relative to school district participation in capital improvement programs. **OUGHT TO PASS**

Rep. Robert M. Fesh for Municipal and County Government: New Hampshire Municipal Association's member-communities voted this bill as their number one action policy in the realm of planning. It's a legal mechanism to require school officials to share capital planning information with the local planning board, so that the planning board can include school projects in its Capital Improvement Program, if requested by the planning board. There was no opposition to this as this is already being done. Vote 18-1.

**HB 126**, establishing a student activity center account for the New Hampshire technical institute. **OUGHT TO PASS**

Rep. Katherine D. Rogers for Public Works and Highways: This bill establishes a special account under the office of the commissioner of postsecondary technical education for revenue from the use of the New Hampshire Technical Institute student activity center for which bonding was authorized in 1993. This will ensure that all revenue generated will be used solely for the student activity center. No state general fund or other departmental funds are being used to build and/or support the operation of the center. This center is entirely funded from student activity fees and other fees associated with the use of the building. These fees are used to pay the bond payments for the construction of the center as well as the operational costs of the center. It is, therefore, only fitting that these fees be dedicated to the ongoing operation of the center. Without House Bill 126, revenue in excess of operating costs at the end of each fiscal year would lapse into the Department of Postsecondary Technical Education's larger non-lapsing account, and not be available to support the next year's operation or program development. This would not be fair, given that the student activity center is entirely a student funded entity. Vote 16-0.

Referred to Finance.

**HB 153-FN**, adding the Orford-Fairlee bridge over the Connecticut River to the 10-year transportation plan. **INEXPEDIENT TO LEGISLATE**

Rep. John P. Chandler for Public Works and Highways: The historic Orford-Fairlee bridge unquestionably should be rehabilitated as recommended by Connecticut River Joint Commission (New Hampshire - Vermont). It is inappropriate, however, for the legislature to preempt the process put in place last year for biennial revision of the Ten-Year Transportation Plan currently underway. The project is being presented to the regional planning commission for consideration for inclusion in the 1996 update. Having the support of the New Hampshire Department of Transportation, the committee fully expects that this very worthy project will be included in the 1996 update. Vote 17-0.

**HB 179-FN-A**, relative to the reconstruction of the railroad overpass on New Hampshire Route 135 near the John's River in the town of Dalton and making an appropriation therefor. **OUGHT TO PASS**

Rep. Winston H. McCarty for Public Works and Highways: The Dalton underpass, road flooding and detour of heavy loaded trucks onto Dalton's Town Road French Hill has been addressed several times. This bill establishes a project account so that possible donations of right-of-way can be accepted hereafter. This bill does not alter the current ten-year transportation plan; rather, it encourages the Dalton authorities to submit the project to its regional planning commission for consideration in the 1996 update of the ten-year plan. Vote 16-0.

Referred to Finance.

**HB 184-FN**, Requiring the department of transportation to install traffic control lights at the intersection of New Hampshire routes 108 and 85. **INEXPEDIENT TO LEGISLATE**

Rep. Katherine D. Rogers for Public Works and Highways: This bill would require the Department of Transportation to install traffic control lights at the intersection of New Hampshire routes 108 and 85. The DOT testified that this project is included in planned roadway work scheduled in the state's current ten-year plan. At this time field survey work is being completed with the project scheduled for fiscal year 1997. The committee agrees with the sponsor's safety concerns for this intersection and was assured by the DOT of their intentions and plans to rectify problems at this dangerous intersection. Vote 16-0.

**HB 243-A**, relative to the expansion of veterans' home facilities and making an appropriation therefor. **RE-REFER TO COMMITTEE**

Rep. J. Arthur Tufts for Public Works and Highways: Testimony from the Commandant and his planning committee indicates that a waiting list and demographics show a need for more facilities. The committee decided more facts and accurate predictions are necessary for inclusion into capital improvement planning so the committee wishes to assemble information toward that end. Vote 16-0.

**HB 106**, requiring that OHRV administrative license suspension be conducted pursuant to the motor vehicle administrative license suspension procedure. **OUGHT TO PASS WITH AMENDMENT**

Rep. Henry P. Mock for Transportation: This legislation establishes a uniform procedure for the suspension of driver's licenses to be utilized by Fish and Game Department and other law enforcement agencies for individuals who refuse to submit to a physical test or to a test of blood, urine or breath when suspected of operating an Off Highway Recreational Vehicle under the influence of drugs or alcohol. This procedure is known as the Administrative License Suspension and is presently utilized by the Department of Safety for operators of motor vehicles. Vote 14-0.

#### **Amendment (0961L)**

Amend the bill by replacing all after the enacting clause with the following:

1 Refusal of Consent. Amend RSA 215-a:11-b, 1 to read as follows:

1. If a person under arrest for any violation or misdemeanor under RSA 215-A refuses upon [the] request of [any] a law enforcement officer to submit to [a chemical test] *physical test or to a test of blood, urine or breath* designated by the officer as provided in RSA 215-A:11-a, *none shall be given but* such person shall be subject to the same penalties described in RSA 265:92.

2 New Section; OHRV Administrative License Suspension; Motor Vehicle Procedure Adopted. Amend RSA 215-A by inserting after section 11-p the following new section:

**215-A:11-q Administrative License Suspension.**

I. If a person refuses a test as provided in RSA 215-A:11-b or submits to a test described in RSA 215-A:11-a which discloses an alcohol concentration of 0.08 or more or, in the case of a person under the age of 21 0.04 or more, such person shall be subject to an administrative license suspension as described in RSA 265:91-a. The law enforcement officer shall conform to the requirements of RSA 265:91-a provided however that the law enforcement officer shall have reasonable grounds to believe the arrested person had been driving, operating, attempting to operate or was in actual physical control of an OHRV while under the influence of intoxicating liquor or controlled drugs or while the arrested person has an alcohol concentration of 0.08 or more.

II. Any person whose license has been suspended or revoked under this section may request an administrative review or a hearing pursuant to RSA 265:91-b, provided however that the law enforcement officer shall have reasonable grounds to believe the arrested person had been driving, operating, attempting to operate or was in actual physical control of an OHRV while under the influence of intoxicating liquor or controlled drugs or while the arrested person has an alcohol concentration of 0.08 or more.

III. Upon receipt of the sworn report of a law enforcement officer submitted under paragraph I, the department shall suspend the person's driver's license or privilege to drive as follows:

(a) In the case of a refusal to take a test described in RSA 215-A:11-a, the suspension shall be for the period specified in RSA 265:92.

(b) In the case of a person who submits to a test described in RSA 215-A:11-a, which discloses an alcohol concentration of 0.08 or more or, in the case of a person under the age of 21 0.04 or more, the suspension shall be for:

(1) Six months if there is no prior refusal under RSA 265:92 or RSA 215-A:11-b, no prior driving while intoxicated or aggravated driving while intoxicated convictions, and no prior administrative license suspension pursuant to RSA 265:91-a or RSA 215-A:11-q.

(2) Two years if there is a prior refusal under RSA 265:92 or RSA 215-A:11-b, or a prior driving while intoxicated or aggravated driving while intoxicated conviction, or a prior administrative suspension pursuant to RSA 265:91-a or RSA 215-A:11-q.

If a license or driving privilege has been suspended under RSA 265:91-a or RSA 215-A:11-q and the person is also convicted on criminal charges arising out of the same event both the suspension and court ordered revocation shall be imposed pursuant to RSA 265:91-c.

IV. Any person whose license has been suspended or revoked under this section, after the administrative review or hearing, may appeal the decision as provided in RSA 265:91-d.

3 Repeal. RSA 215-A:11-b, II, relative to reasonable grounds for chemical testing, is repealed.

4 Effective Date. This act shall take effect January 1, 1996.

### AMENDED ANALYSIS

This bill requires OHRV administrative license suspension be conducted pursuant to the motor vehicle administrative license suspension procedure.

**HB 150-FN**, allowing certain persons to register and inspect their vehicles prior to the anniversary date. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gordon E. Bartlett for Transportation: This bill was requested by the Department of Safety. It simplifies the registration and inspection process for those who are out-of-state during their month of birth by allowing up to four months pre-registration and pre-inspection of their vehicles. Vote 15-0.

### Amendment (0958L)

Amend the bill by replacing sections 1 and 2 with the following:

1 New Subparagraph; Early Registration Authorized. Amend RSA 261:62, II by inserting after subparagraph (c) the following new subparagraph:

(d) With written verification from the vehicle owner that the registrant will be absent from New Hampshire during the entire month in which the registration is due to expire, and if the month of expiration will be one of the next 4 months, a registration may be issued which will

commence upon the expiration of the current registration and expire at midnight on the last day of the month in which the second anniversary of the registrant's birth following the date of issue is observed.

2 New Paragraph; Early Inspection Authorized. Amend RSA 266:1 by inserting after paragraph II the following new paragraph:

II-a. Notwithstanding RSA 266:1, II, if the month in which the anniversary of the owner's birth occurs will be one of the next 4 months, and the vehicle owner provides written verification of absence from New Hampshire during the entire anniversary month, an inspection sticker may be issued, with an expiration date of the birth month in the following year, of the first person named on the title application.

### AMENDED ANALYSIS

This bill allows certain persons to register and inspect their vehicles prior to the anniversary date.

**HB 108**, changing certain specific terminology to more general terminology in certain fish and game laws. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph N. Feuer for Wildlife and Marine Resources: This bill, as amended, simply expands the authority of conservation officers in the field to investigate, search, confiscate and dispose of seized items by including all wildlife species possession as grounds for such action. Vote 17-0.

### Amendment (0941L)

Amend RSA 206:23, VI as inserted by section 2 of the bill by replacing it with the following:

VI. To stop and to search without a warrant and to examine in the field, in the highway, at an airbase or on the stream, any person, or any boat, conveyance, aircraft, vehicle, game bag, game coat, creel, crate, box, locker or other receptacle, in the presence of the owner if reasonably possible, or any so-called fish house or bob house, in the presence of the occupant, for [fish, game, fur-bearing animals or marine species] *all wildlife*, when [he has] *there is* reasonable cause to believe that any [fish, game, fur-bearing animals or marine species] *wildlife*, or any illegal apparatus subject to forfeiture, are concealed thereon or therein;

**HB 115-FN**, increasing fees for certain fish and game licenses for nonresidents and establishing a nonresident hunting and fishing license. **OUGHT TO PASS**

Rep. William P. Boucher for Wildlife and Marine Resources: This bill is long overdue in the area of a combination nonresident license. Also the bill cleans up necessary language to clarify the section. Vote 12-0.

Referred to Finance.

**HB 118-FN**, expanding activities permitted under special hunting licenses for persons 68 years of age or older. **OUGHT TO PASS**

Rep. Joseph N. Feuer for Wildlife and Marine Resources: If it was in fact, the intent of the original legislation to extend to our senior citizens a token of gratitude for their lifetime of positive contributions to society, and recognition that, as senior citizens, their earning capacity and income may be limited and diminished, then this legislation is simply a logical extension of the privilege already available. Vote 17-0.

### REGULAR CALENDAR

**HB 134**, amending the charter of the union school district of Keene. **OUGHT TO PASS**

Rep. Carol H. Holden for Constitutional and Statutory Revision: HB 134 would allow the clerk of the union school district of Keene to prepare a referendum to amend the charter. The referendum question will ask the voters if they are in favor of providing that the filing period for candidates for school district office shall be the same as for other municipal elections. Vote 16-2.

Adopted and ordered to third reading.

**HB 221**, relative to administrative fines for violations of RSA 313-A relative to barbering, cosmetology, and esthetics. **OUGHT TO PASS**



Rep. Maurice E. Goulet for Executive Departments and Administration: The bill allows the barbering, cosmetology, and esthetics board to impose administrative fines for violating provisions of RSA 313-A. The bill also amends certain RSA provisions making them gender neutral. Vote 12-3.

Adopted and referred to Finance.

**HB 200-L**, relative to the application and eligibility for bridge aid. OUGHT TO PASS

Rep. Gene G. Chandler for Public Works and Highways: Passage of House Bill 200-L will allow municipalities to enroll more than one municipal bridge in the state bridge aid program. Current statute allows only one bridge per community per year, and in cases where communities have taken the responsible fiscal step and raised their twenty percent share of a replacement or rehab bridge project, they should be allowed more than one project if state funding is available. Vote 17-0 .

Adopted and referred to Finance.

## RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 2, 1995 at 1:00 p.m.

Adopted.

## LATE SESSION

### Third reading and final passage

**HB 127**, relative to the statement which must be signed by applicants for notary public or justice of the peace.

**HB 102**, allowing towns to establish terms of office for police chiefs and police officers elected by towns.

**HB 133-L**, allowing the local governing body to set certain fees.

**HB 198-L**, relative to school district participation in capital improvement programs.

**HB 106**, requiring that OHRV administrative license suspension be conducted pursuant to the motor vehicle administrative license suspension procedure.

**HB 150-FN**, allowing certain persons to register and inspect their vehicles prior to the anniversary date.

**HB 108**, changing certain specific terminology to more general terminology in certain fish and game laws.

**HB 118-FN**, expanding activities permitted under special hunting licenses for persons 68 years of age or older.

**HB 134**, amending the charter of the union school district of Keene.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 4:55 p.m.

## RECESS

## NOTICE OF RECONSIDERATION

Having voted with the prevailing side, Rep. Hemon served notice that today, January 26, 1995, or some subsequent day as limited by the rules, he would move that the House reconsider its action whereby it passed the Amendments to House Rules as proposed by the Rules Committee.

## RECESS

**(Rep. David Cote in the Chair)**

**RESOLUTION**

Rep. Buckley offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 50 and 51, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS**

**First, second reading and referral**

**HB 50-FN**, relative to state payment of medical benefits for dependents of certain state troopers who died in the line of duty. (A. Torr, Straf 12: Finance)

**HB 51-FN**, naming a certain segment of New Hampshire route 101 the Jay McDuffee Highway. (A. Torr, Straf 12: Public Works and Highways)

**RECESS**

Rep. Cole moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 5

Thursday, February 2, 1995

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

Almighty God, as You have given Yourself freely to us, help us to give ourselves freely to You and others. Rather than obstructing Your grace, grant us the wisdom and insight we need to become instruments of Your peace, seekers of Your will and doers of Your word. And in all that we are and do, energize us with Your vitality and make us faithful stewards of the common good. Amen.

Rep. Gage led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Peters, Fuller Clark, Delano and Healy, the day, illness.

Reps. Hallyburton, Trombly, Dowd, Moncrief, Pitman, Fraser, Arndt, Lupien, Weeks and Katharin Pratt, the day, important business.

Rep. Newland, the day, death in the family.

Rep. Charles Cote, the day, illness in the family.

### INTRODUCTION OF GUESTS

Ruth Owen and Julie Klemm, wife and guest of Rep. Owen. Maureen Jackson and Shirley Kane, daughter and niece of Rep. Cecelia Kane. Beatrice Francour, wife of Rep. Francour.

### GUEST ON THE ROSTRUM

Cordelia Scharpf, guest of Rep. Owen.

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 167**, relative to appointing the members of the ballot law commission, was removed at the request of Rep. Kirby.

**HB 223**, relative to the losing party's payment of the prevailing party's costs in tort actions, was removed at the request of Rep. Dickinson.

Consent Calendar adopted.

**HB 121**, relative to the definition of "wrongful dishonor" under article 4 of the uniform commercial code. **OUGHT TO PASS**

Rep. Fuller Clark for Commerce, Small Business, Consumer Affairs and Economic Development: This bill will require a bank to pay a check drawn on its bank when presented, if the payee presents the item in person, properly endorses the check, and provides identification. A bank will no longer be allowed to refuse such checks if the presenter (payee) does not have an account with the bank. Vote 18-0.

**HB 203**, relative to trust company commencement of business. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard Krueger for Commerce, Small Business, Consumer Affairs and Economic Development: This bill allows the Board of Trust Company Incorporation to grant a one year extension and to charge for the cost of examination before trust companies commence business. Vote 17-0.

**Amendment (0956L)**

Amend RSA 392:23 as inserted by section 2 of the bill by replacing it with the following:

392:23 Authorizing Business. Upon receipt of such list, the commissioner shall cause an examination to be made; and if, upon such examination, it appears that the whole capital stock and surplus fund have been paid in, *in* cash, and that all requirements of law have been complied with, the commissioner shall issue a certificate authorizing such corporation to begin the transaction of business. *The cost of such examination shall be paid by the corporation and shall be limited to a per diem charge for overall compensation costs, including the benefits portion thereof, and expenses as determined by the commissioner, provided, however, that no such institution shall be charged or pay for less than one full day. Sums collected under this section shall be payable and credited in accordance with the procedure established under RSA 383:11, I.*

**HB 148-L**, permitting the polling places in small towns to be open for fewer than 8 hours. RE-REFER TO COMMITTEE

Rep. Philip T. Cobbin for Constitutional and Statutory Revision: The Committee seeks to consolidate bills on polling hours, etc., to see if a consolidated bill is called for. Vote 16-0.

**HB 201**, relative to the voting procedure at primary elections for registered members of political parties. INEXPEDIENT TO LEGISLATE

Rep. Philip T. Cobbin for Constitutional and Statutory Revision: The bill's prohibition related to voting the ballot of a new party would unnecessarily restrict current law. Vote 16-0.

**HB 131-FN**, allowing the state to recover from counties funds which are paid to owners after escheatment. OUGHT TO PASS WITH AMENDMENT

Rep. Lawrence A. Emerton, Sr. for Executive Departments and Administration: The legislation was filed at the request of the state treasurer to correct a problem. This bill allows the state to recover funds paid to counties that are paid to owners after escheatment; which now is not possible. The amendment only changes the word "may" to "shall" to give the administrator stronger authority to administer this law. Vote 16-0.

**Amendment (0947L)**

Amend RSA 471-C:31, II as inserted by section 1 of the bill by replacing it with the following:

II. Following completion of the proceedings specified in RSA 471-C:30, the administrator shall pay or deliver all property escheated under this chapter to the appropriate county treasurer who shall deposit such property in the county treasury; provided, however, that the administrator shall not pay or deliver the income earned from the working capital fund or any amounts received from out-of-state holders to the counties. *The administrator shall reduce amounts paid to the counties under this section for subsequent claims asserted under RSA 471-C:31-a, if such amounts had previously escheated to the counties.*

Referred to Finance.

**HB 579-FN**, requiring the executive director of fish and game to report to the general court relative to the bear and moose management funds. OUGHT TO PASS WITH AMENDMENT

Rep. Franklin G. Torr for Finance: This bill, as amended, requires the Executive Director of the Fish and Game Commission to submit an annual report relative to receipts and expenditures in the moose management fund and the bear management fund. Vote 22-0.

**Amendment (1006L)**

Amend the bill by replacing section 1 with the following:

I New Section; Moose and Bear Management Funds; Annual Report to the General Court. Amend RSA 206 by inserting after section 9-a the following new section:

206:9-b Annual Report; Moose and Bear Management Funds. The executive director shall submit an annual report by October 1 beginning with fiscal year 1995, to the fiscal committee, the chairperson of the house wildlife and marine resources committee, and the chairperson of the senate wildlife and recreation committee relative to all receipts and disbursements in the moose management fund established in RSA 208:I-a, III and the bear management fund estab-

lished in RSA 208:24, IV. Each report shall be in such detail with sufficient information to be fully understood by the general court and the public summarizing the receipts and disbursements regarding such funds. After submission to the general court, the report shall be available to the public.

**HB 170**, relative to resuscitation under a living will or a durable power of attorney for health care. INEXPEDIENT TO LEGISLATE

Rep. Benjamin J. DePecol for Judiciary and Family Law: The committee heard testimony that the problem is not so much with the wording of the durable powers of attorney and living wills, but rather with local staff providing correct information to patients about durable powers of attorney and living wills. We have been assured by the Medical Society and Hospital Association that they are making education efforts to correct this situation and therefore this bill is unnecessary at this time. Vote 12-1.

**HB 173-FN**, relative to notification for court ordered out-of-district placement for delinquent children. INEXPEDIENT TO LEGISLATE

Rep. Josephine Mayhew for Judiciary and Family Law: When the court orders an "out of district" placement for a delinquent child, presently the parents are part of the process and in the case of a coded child the sending school district does get notification as do the parents. In the case of a non-coded delinquent child the resident school does not have a financial liability. The committee found this bill unnecessary because the situation that prompted it has been corrected administratively. Vote 13-1.

**HB 291-L**, allowing certain municipal advisory committees to take votes by secret ballot. INEXPEDIENT TO LEGISLATE

Rep. Alf E. Jacobson for Judiciary and Family Law: The committee believes that this bill does raise a question of constitutionality on the issue of public openness as required by Pt. I, Article 8 of the New Hampshire Constitution. Vote 13-1.

**HB 10**, correcting references in the statutes to house and senate standing committee names. OUGHT TO PASS WITH AMENDMENT

Rep. Ken W. Malcolm for Legislative Administration: This bill as amended is to bring the House and Senate standing committees in line with the new committee structure and are now gender neutral. Vote 11-0.

#### Amendment (1028L)

Amend the bill by replacing section 26 with the following:

26 Gender Neutral Language. Amend RSA 211:48-b, I to read as follows:

I. No person shall use any type of net or weir for the taking of fin fish from the downstream side of the McCallen Dam to a line perpendicular with the 2 river banks from the north side of the Newmarket boat launch ramp except that the executive director of the New Hampshire fish and game department may permit netting as [he] *the executive director* deems necessary for propagation and scientific purposes.

Amend the bill by replacing section 35 with the following:

35 Gender Neutral Language and Technical Correction. Amend RSA 273-A:9, IV to read as follows:

IV. The division of personnel, through the manager of [employer] *employee* relations and [his] *the manager's* staff, shall provide administrative and professional support to the governor in the conduct of negotiations.

**HB 11**, relative to certain statutory and chapter law study committees. OUGHT TO PASS WITH AMENDMENT

Rep. Ken W. Malcolm for Legislative Administration: This bill as amended extends the reporting dates for 7 committees. This bill also amends and repeals certain statutory committees which are no longer needed. Vote 11-0.

#### Amendment (1026L)

Amend the bill by replacing all after section 12 with the following:

13 Date Extended. Amend 1993, 256:5 to read as follows:

256:5 [Reports] *Report*. The committee shall submit a report of its findings and recommendations on or before [September 1, 1994] **November 1, 1995** to the speaker of the house, the president of the senate, *the house clerk, the senate clerk, the state library*, and the governor.

14 Joint Corrections Study Committee. Amend 1993, 318:3, V(d) to read as follows:

(d) Submit a report to the governor, president of the senate, [and] speaker of the house, *senate clerk, house clerk, and state library* which shall include the recommendations of the consultants [and findings of the committee, including recommendations for appropriate legislation].

15 Joint Corrections Study Committee. Amend 1993, 318:3, VI to read as follows:

VI. The committee shall submit its final report on or before [November 15, 1994] **June 30, 1995**.

16 Repeal. The following are repealed:

I. RSA 17-O, relative to the legislative oversight committee on data processing.

II. RSA 19, relative to the commission on interstate cooperation.

III. RSA 99-D:8, III, relative to the oversight committee for claims arising from the clinical operation and administration of the New Hampshire hospital.

IV. RSA 126-A:10-b and RSA 126-A:10-c, relative to the advisory committee on access to health care in New Hampshire.

V. RSA 187-A:26-29, relative to the university system study committee.

VI. RSA 188-F:37-41, relative to the postsecondary vocational-technical education study committee.

VII. RSA 221-A, relative to the land conservation investment program.

VIII. RSA 541-B:22, relative to the oversight committee for claims arising from the clinical operation and administration of the New Hampshire hospital.

17 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill extends the reporting dates for the following study committees:

I. Feasibility of involving the university system of New Hampshire with training state employees committee.

II. New Hampshire/Vermont solid waste district committee.

III. Contracting state services review committee.

IV. Pet overpopulation committee.

V. Task force on sexual assault and sexual harassment at postsecondary institutions.

VI. Committee to study child support issues.

The bill also amends and repeals certain statutory committees.

The bill repeals the land conservation investment program, RSA 221-A, and places the administration of the program and its funds with the council on resources and development in RSA 162-C, as provided under the provisions of 1987, 340:4.

**HB 137**, relative to taxation on abandoned manufactured housing units. **OUGHT TO PASS WITH AMENDMENT**

Rep. Norma A. Sabella for Municipal and County Government: The committee believes that this bill will allow local authorities to keep property on the tax rolls and allow manufactured housing park owners to provide a suitable atmosphere for their clients and the local community. Vote 13-0.

### Amendment (0977L)

Amend the bill by replacing sections 1 and 2 with the following:

1 Option Authorized. Amend RSA 80:2-a to read as follows:

80:2-a Relocation of Buildings or Structures. No building or structure that is taxed as real estate, except manufactured housing constituting the stock-in-trade of a dealer in the business of selling manufactured housing, shall be moved from the location where it was last taxed unless the owner thereof shall produce and deliver to the person moving the same a receipted tax bill for the tax assessed as of April 1, [or] a certificate from the tax collector of the city or the selectmen of the town that all property taxes owed have been paid in full, *or a statement signed*

*by a majority of the board of selectmen or assessors that the same may be relocated without the payment of the assessed taxes.* The person or persons moving such building or structure shall hold the receipted tax bill [or], certificate, *or statement* from the tax collector or selectmen during the period of transit of [said] *the* building or structure, and upon arrival at its destination, deliver the same to the owner of the building or structure. Any person who fails to comply with the provisions of this section shall be guilty of a misdemeanor.

2 Taxation on Certain Manufactured Housing Units. Amend RSA 205-A:4-a, VII to read as follows:

VII. A park owner or operator may commence eviction proceedings against a tenant at any time in accordance with the provisions of this chapter and may take possession of the space in the park occupied by such tenant following the issuance of a writ of possession, provided that if there is an eligible lienholder, it must be given written notice of the commencement of such proceedings and the eligible lienholder does not elect to assume responsibility for the payment of the rent and other charges within the 60-day period allowed by RSA 205-A:4-a, II. The park owner or operator shall have a lien on the manufactured housing of a tenant for the amount of all of the rent and other charges due from the tenant and of reasonable moving costs and storage charges if the park owner or operator removes the manufactured housing from the site, which lien shall take priority over all prior liens other than liens on account of real estate taxes and liens of eligible lienholders except as otherwise provided in RSA 205-A:4-a, IV and V. Such lien of the park owner or operator shall be in the nature of a security interest in manufactured housing as provided in RSA 477:44, IV. The park owner or operator may sell the manufactured housing as permitted by RSA 382-A:9 to recover the amount of its claim, subject to the homestead rights of the tenant as provided in RSA 480:1 unless waived by the tenant. A tenant shall be deemed to have waived the tenant's homestead rights if the tenant has executed a written waiver or if the rent and other charges due from the tenant are more than 60 days in arrears and the tenant has abandoned the premises, as evidenced by the absence of the tenant from the premises and the termination of any utility service serving the premises. Upon sale of the manufactured housing, the park owner or operator shall convey the manufactured housing by means of a deed or other document conforming to the requirements of RSA 477:44. *The board of selectmen or assessors of the city or town may issue a statement that the manufactured housing may be relocated without the payment of the taxes assessed thereon as provided in RSA 80:2-a in the event the proceeds from the sale are insufficient to pay the full amount of the property tax outstanding. The costs of sale pursuant to RSA 382-A:9 shall be deducted from the proceeds of the sale and paid to the seller.* Nothing contained in this section shall affect the obligations of the tenant to the park owner or operator under any rental or other agreement or the park rules.

**HB 196-L**, permitting municipalities and counties to establish reserve funds for non-capital purposes and eliminating the necessity for municipalities to distinguish between capital reserve funds and publicly funded trust funds. **OUGHT TO PASS WITH AMENDMENT**

Rep. Katherine H. Metzger for Municipal and County Government: To alleviate the confusion caused concerning capital reserve funds and trust funds, this bill establishes the authority for municipalities to establish non-lapsing funds that would not have to be labeled a trust or a capital reserve fund. The bill was supported by the NHMA and there was no opposition. Vote 16-0.

#### **Amendment (0998L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

permitting municipalities and counties to establish reserve funds for  
non-capital purposes and eliminating the necessity for  
municipalities and school districts to distinguish  
between capital reserve funds and  
publicly funded trust funds.

Amend the bill by replacing all after section 1 with the following:

2 Alignment of Trust Funds and Reserve Funds; Private Donations to Municipal Trusts. RSA 31:19-a, III and IV are repealed and reenacted to read as follows:

III. Notwithstanding any other provision of this chapter, any trust fund created under this section shall be subject to the same provisions concerning custody, investment, expenditure, change of purpose, and audit as are reserve funds established under RSA 34:1, 34:1-a, 35:1 or 35:1-c. The legal validity of such a fund properly established shall not be affected by its designation as a "trust," "reserve," "capital reserve," or any other designation.

IV. The local legislative body may authorize the acceptance of privately donated gifts, legacies, and devises to be utilized for the same purposes as a trust fund created under this section; provided, however, that such gifts, legacies, or devises shall be invested and accounted for separately from, and not commingled with, amounts appropriated under paragraph I, and shall be subject to the custody and investment provisions applicable to trust funds accepted under RSA 31:19.

3 Exemption from Appropriation Limits. Amend RSA 31:19-a, V to read as follows:

V. A trust fund created under the provisions of this section that is established for the purpose of maintaining health insurance funds for the benefit of employees and retired employees of any town shall be exempt from the provisions of [paragraph IV] *RSA 35:8 or 34:4*, and, when so established, the town may name its own trustees who may expend any funds in the trust for the payment of health claims or health insurance premiums for the benefit of any employees or retired employees of the town. An annual accounting and report of the activities of the trust shall be presented to the selectmen and published in the annual report.

4 New Section; Non-Capital Reserve Funds Authorized for Cities. Amend RSA 34 by inserting after section 1 the following new section:

34:1-a Non-Capital Reserve Funds Authorized. Any city may establish a reserve fund for the maintenance and operation of a specific public facility or type of facility, a specific item or type of equipment, or for any other distinctly-stated, specific public purpose that is not foreign to its institution or incompatible with the objects of its organization. Such funds shall be subject to all provisions and limitations of this chapter as are applicable to capital reserve funds. The legal validity of such a fund properly established shall not be affected by its designation as a "trust," "reserve," "capital reserve," or any other designation.

5 Expanding Investment Options. Amend RSA 34:5 to read as follows:

34:5 Investment. The moneys in such fund shall be kept in a separate account and not intermingled with the other funds of the city. Said capital reserve fund shall be invested only by deposit in some savings bank or in the savings department of a national bank or trust company, or in the shares of a cooperative bank, building and loan association, or federal savings and loan association, in this state or in bonds, notes or other obligations of the United States government, in bonds or notes of this state, *in such stocks and bonds as are legal for investment by New Hampshire savings banks*, or in participation units in the public deposit investment pool established pursuant to RSA 383:22, and when so invested in good faith the trustees hereinafter named shall not be liable for the loss thereof. Any interest earned or capital gains realized on the moneys so invested shall accrue to and become a part of the fund. Deposits in banks shall be made in the name of the city, and it shall appear upon the book thereof that the same is a capital reserve fund. Any person who directly or indirectly receives any such funds or moneys for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment, an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the [county] *city*. Only securities defined by the bank commissioner in rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral.

6 New Section; Non-Capital Reserve Funds Authorized for Towns, School Districts, Counties, and Village Districts. Amend RSA 35 by inserting after section 1-b the following new section:

35:1-c Non-Capital Reserve Funds Authorized. Any town, school district, county, or village district may establish a reserve fund for the maintenance and operation of a specific public facility or type of facility, a specific item or type of equipment, or for any other distinctly-stated, specific public purpose that is not foreign to its institution or incompatible with the objects of its organization. Such funds shall be subject to all provisions and limitations of this chapter as are applicable to capital reserve funds. The legal validity of such a fund properly established shall not be affected by its designation as a "trust," "reserve," "capital reserve," or any other designation.



7 Expanding Investment Options. Amend RSA 35:9 to read as follows:

35:9 Investment. The moneys in each such fund shall be kept in a separate account and not intermingled with other funds of said municipality. Said capital reserve fund shall be invested only by deposit in some savings bank or in the savings department of a national bank or trust company, or in the shares of a cooperative bank, building and loan association, or federal savings and loan association, in this state, or in bonds, notes or other obligations of the United States government, or in bonds or notes of this state, *in such stocks and bonds as are legal for investment by New Hampshire savings banks*, or in participation units in the public deposit investment pool established pursuant to RSA 383:22. When so invested the trustees hereinafter named shall not be liable for the loss thereof. Any interest earned or capital gains realized on the moneys so invested shall accrue to and become a part of the fund. Deposits in banks shall be made in the name of the town, district or county which holds the same as a reserve, and it shall appear upon the books thereof that the same is a capital reserve fund. Any person who directly or indirectly receives any such capital reserve funds for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the town, school district, village district or county depositing or investing such funds. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral.

8 New Paragraphs; School Trusts. Amend RSA 198:20-c by inserting after paragraph IV the following new paragraphs:

V. Notwithstanding any other provision of law, any trust fund created under this section shall be subject to the same provisions concerning custody, investment, expenditure, change of purpose and audit as are reserve funds established under RSA 35:1 or 35:1-c. The legal validity of such a fund properly established shall not be affected by its designation as a "trust", "reserve", "capital reserve" or any other designation. A trust fund established for maintaining health insurance funds as set forth in paragraph III shall be exempt from the provisions of RSA 35:8.

VI. The district may authorize the acceptance of privately-donated gifts, legacies and devises to be utilized for the same purpose as a trust fund created under this section; provided, however, that such gifts, legacies or devises shall be invested and accounted for separately from, and not commingled with, amounts appropriated under paragraph I, and shall be subject to the custody and investment provisions applicable to trust funds accepted under RSA 31:31.

9 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill permits municipalities and counties to establish reserve funds for non-capital purposes and eliminates the necessity for municipalities and school districts to distinguish between capital reserve funds and publicly funded trust funds.

**HB 209-L**, requiring that warrant articles on planning and zoning issues use common landmarks and street names for setting boundaries and relative to posting the town map. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas E.P. Rice, Jr. for Municipal and County Government: The committee is loath to enact at state level what is already optional at the local level. This bill does nothing that cannot be accomplished by local voters and, or, their local officials. Also, if enacted, it might constitute an unfunded mandate. Vote 13-0.

**HB 227-L**, requiring the commissioner of revenue administration to establish standards relating to finance and budget matters for municipalities. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. MacKay for Municipal and County Government: This bill was generated by LBA audit exception of the Department of Revenue Administration because of a technicality in the DRA publishing of a comprehensive manual relating to finance and budget matters for municipalities. The DRA has fulfilled this requirement and the manual will be available for purchase. The manual will distinguish between processes that municipalities must comply with and those elements which are advisory in nature. Vote 14-1.

**Amendment (1009L)**

Amend the title of the bill by replacing it with the following:

**AN ACT**

requiring the division of municipal services, department of revenue administration, to establish a standard technical assistance manual for municipalities on finance and budget matters, which may be purchased from the division.

Amend the bill by replacing all after the enacting clause with the following:

1 Municipal Services Division. Amend RSA 21-J:15, IV to read as follows:

IV. [Developing, publishing, and revising] *Establishing* a standard technical assistance manual for municipalities on finance and budget matters. This manual shall be [distributed to all municipalities] *available for purchase from the division*. The manual shall cover statutory requirements, administrative rules adopted by the commissioner, and advice and information for the use of municipalities. The manual shall distinguish between those provisions which municipalities must comply with and those elements which are advisory in nature.

2 Effective Date. This act shall take effect July 1, 1995.

**AMENDED ANALYSIS**

This bill requires the division of municipal services, department of revenue administration to establish a standard technical assistance manual for municipalities on finance and budget matters. The manual is to be available for purchase from the division.

**HB 255-L**, clarifying the option allowing town meetings, school district meetings, and village district meetings to vote to authorize indefinitely the governing body to apply for, accept, and expend unanticipated moneys. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: The committee believes that this bill is unnecessary. The option is already contained in RSA 31:95-b, RSA 33:7V, RSA 202-A:4-c and RSA 198:20-bI. Vote 15-0.

**HB 273**, clarifying the effective date of a law requiring municipalities to print expanded tax relief information on property tax bills. **OUGHT TO PASS**

Rep. Thomas E.P. Rice, Jr. for Municipal and County Government: This bill corrects an unintended oversight by providing that municipalities may use existing stocks of tax bill forms before switching to the new forms. The net result should be some savings for many communities. Vote 14-1.

**HB 290-L**, relative to the appointment of certain local officials. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas E.P. Rice, Jr. for Municipal and County Government: The committee feels that this bill might cause confusion and that in any case is unnecessary. Also, it would have the effect of eliminating the candidacy of someone possibly more qualified. Vote 13-0.

**HB 183-FN**, repealing 1991, 152 relative to funding the Women's War Memorial. **OUGHT TO PASS**

Rep. Bruce F. Hunter for Public Protection and Veterans Affairs: Repealing chapter 152 regarding Women's War Memorial. The State Veterans Council was authorized in July of 1991 to accept donations from private and public entities for the purpose of transmitting same to the Women in Military Service for America Memorial Foundation, Inc. for construction of the "Women's War Memorial". To date the council has received and transmitted less than two hundred dollars for which it has accounted. Veterans organizations have been transmitting their donations directly to Washington, thus the State Veterans Council has requested to be relieved of this duty. Vote 15-0.

**HB 208**, permitting municipalities and nonprofit organizations to erect temporary advertising devices promoting events. **INEXPEDIENT TO LEGISLATE**

Rep. Katherine D. Rogers for Public Works and Highways: This bill would permit municipalities and nonprofit organizations (defined as any organization exempt from taxation under section 501(c) of the Internal Revenue Code of 1986) to erect temporary advertising devices

promoting events. While the committee realizes the sponsors intent to assist with the promotion of community events, we also have great concern as to the safety of permitting such temporary advertising devices as banners strung across the roads. The bill, as written, would allow in excess of six thousand five hundred organizations to put up any kind of signage. Such signage would pose the danger of distracting drivers or falling into the roadways and causing accidents. Additionally the Department of Transportation testified that such legislative action could put federal highways funds in jeopardy. Vote 16-0.

**HB 276-A**, making an appropriation for the design and construction of a district court facility for Dover, Durham, and Somersworth. RE-REFER TO COMMITTEE

Rep. Katherine D. Rogers for Public Works and Highways: This bill makes a capital appropriation for the design, engineering, construction, furnishing and equipment of a new district court facility for Dover, Durham and Somersworth. While the committee appreciates the high priority this courthouse holds for the court accreditation committee, we believe it is better dealt with through the Capital Budget. The committee also had concerns with staffing plans for the consolidated district court; plans call for consolidated physical facilities but a continuation of the present level of judges and support staff. The committee suggests that this bill be re-referred to the Public Works Committee and discussed as part of the overall building plans for the state's judiciary during deliberations in the upcoming Capital Budget. Vote 13-0.

**HB 372**, establishing a committee to study the feasibility of reconstructing portions of New Hampshire route 33 in the town of Greenland. INEXPEDIENT TO LEGISLATE

Rep. Winston H. McCarty for Public Works and Highways: The Department of Transportation has done an extensive study and has detailed plans for major improvements including additional lanes and traffic control lights for Route 33 from Stratham Circle to Interstate Highway 95. The DOT needs to put the plan through regional planning and into the ten year plan, therefore, the committee does not see any need for this legislation. Vote 14-0.

**HB 384**, establishing a committee to determine the feasibility of constructing a rest area on New Hampshire route 16 in the town of Wakefield. INEXPEDIENT TO LEGISLATE

Rep. John P. Gleason for Public Works and Highways: The Department of Transportation owns an eighteen and one half acre site in the town of Ossipee which is adjacent to New Hampshire Route 16 that has the capability for being developed as a rest area which would essentially meet the same objective as a proposed site in the town of Wakefield. Due to the relatively short distance between these towns, it appears the needs of the motoring public in the area can be met without the state acquiring additional property. The sponsors and area officials are alerted to approach the regional planning commission to look at the rest area situation on Route 16, and make recommendations in the upcoming and ongoing state transportation planning process. Vote 14-0.

**HB 563-FN**, relative to the repair and maintenance of the road from New Hampshire route 10 to Bedell Bridge state park and relative to the construction of a boat launch at the park. OUGHT TO PASS WITH AMENDMENT

Rep. Gene G. Chandler for Public Works and Highways: This bill as amended is the result of many meetings and visits to the areas in question and demonstrates an excellent model of cooperation among various state agencies. As a result of this cooperation between the Department of Transportation, Department of Resources and Economic Development and the Fish and Game Department, the road leading to the Bedell Bridge State Park will be improved; DRED will take over the maintenance of the road and the Fish and Game Department will construct a much needed boat launch at the site. Vote 15-0.

#### **Amendment (1000L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to the repair and maintenance of the road from New Hampshire  
route 10 to the Connecticut River in Bedell Bridge state Park and  
relative to the construction of a boat launch at the park.

Amend the bill by replacing section 1 and 2 with the following:

1 Boat Launch; Access Road to and within Bedell Bridge State Park.

I. The department of transportation shall repair the access road from New Hampshire route 10 to the Connecticut River in Bedell Bridge state park.

II. The department of resources and economic development shall assume full control of reconstruction and maintenance of the access road from New Hampshire route 10 to the Connecticut River in Bedell Bridge state park after the road has been repaired by the department of transportation pursuant to paragraph I.

III. The department of fish and game agrees to construct a new boat launch facility at Bedell Bridge state park which shall be serviced by the access road from New Hampshire route 10 contingent upon receipt of appropriate approvals obtained through the permitting process.

2 Repeal. RSA 233:8, II(d), relative to the department of transportation's authority over the access road to Bedell Bridge state park, is repealed.

#### AMENDED ANALYSIS

This bill requires the department of transportation to repair the access road from New Hampshire route 10 to the Connecticut River in Bedell Bridge state park. After the repair work is completed the department of resources and economic development shall maintain the road. The department of fish and game is required to build a boat launch at the state park contingent upon receipt of appropriate approvals obtained through the permitting process.

Referred to Finance.

**HB 197**, establishing a committee to study the water sources on the seacoast. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paula E. Bradley for Resources, Recreation and Development: This bill was amended to allow the seacoast towns to form a water district under RSA 53:A, rather than setting up still another committee to study the problem of water resources in that region. Vote 15-0.

#### Amendment (1039L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

authorizing the formation of a water district to address water issues on the seacoast.

Amend the bill by replacing all after the enacting clause with the following:

1 Seacoast Water District Authorized.

I. The formation of a water district is hereby authorized. The water district shall be subject to the provisions of RSA 53-A.

II. The members of the district may include but not be limited to Hampton, Portsmouth, Newington, Seabrook, Exeter, Rye, North Hampton and Stratham. Other communities in south-eastern New Hampshire may be affiliated, if they vote to do so.

III. The district shall address intersectional distribution, source location and any other issues related to water resources.

2 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill authorizes the formation of a water district to address water issues on the seacoast.

**HB 233**, relative to the state's tourism policy. **INEXPEDIENT TO LEGISLATE**

Rep. Michael D. Whalley for Resources, Recreation and Development: As strongly as the committee agreed with the sponsors on the importance of tourism in New Hampshire, it was felt that most of the concerns expressed in this bill are now being addressed by the ongoing efforts of the Office of Travel and Tourism Development. It was not the feeling of the committee that legislation was the appropriate manner with which to communicate the ideas expressed in HB 233. Vote 15-0.

**HB 257**, clarifying the laws relative to the construction of beaches and boathouses under the shoreland protection act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Martin Feuerstein for Resources, Recreation and Development: Passage of this bill, as amended, is necessary to allow the permitting of waterfront alteration. It clarifies an unintended

consequence of the Shoreland Protection Act which prohibited removal of stumps and their root systems within 50 feet of the reference line, and allows such removal if approved by the Wetlands Board pursuant to RSA 482-A. Vote 16-0.

#### **Amendment (1029L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to the minimum shoreland protection standards.

Amend RSA 483-B:9, V(a)(2)(E) as inserted by section 1 of the bill by replacing it with the following:

(E) Stumps and their root systems which are located within 50 feet of the reference line shall be left intact in the ground, *unless removal is specifically approved by the wetlands board pursuant to RSA 482-A.*

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

#### **AMENDED ANALYSIS**

This bill clarifies certain inconsistencies in the minimum shoreland protection standards by allowing the removal of stumps within 50 feet of the reference line on public waters with the approval of the wetlands board.

#### **HB 300, relative to drinking water violations. OUGHT TO PASS**

Rep. Janet M. Conroy for Resources, Recreation and Development: This bill, by changing the procedure for handling drinking water violations saves time and money for the Department of Environmental Services. Presently hearings are held before issuing administrative orders and, in the majority of cases, the hearings are not necessary. Under this bill the division issues an administrative order to a municipality, corporation or person that improvements are necessary. Then, an appeal may be filed by the municipality, corporation or person if they don't agree and a hearing is held. Vote 19-0.

#### **HB 136, requiring motor vehicle dealers to sell vehicles with certificates showing compliance with the emissions statutes. INEXPEDIENT TO LEGISLATE**

Rep. Lawrence J. Guay for Science, Technology and Energy: The bill requires motor vehicle dealers to sell vehicles with certificates showing compliance with the emissions statute. The committee feels that passing this legislation would create an undue burden on the auto dealers outside the required region. Vote 16-0.

#### **HB 110, relative to child restraints on motorcycles. OUGHT TO PASS**

Rep. Roland M. Turgeon for Transportation: This bill corrects an oversight created with the passage of the child seat belt (restraint) law when only antique motorcycles were exempt from the law. The intent was to exclude all motorcycles from the child restraint requirements. The bill accomplishes that intent. Vote 13-0.

#### **HB 142, regulating boaters and divers as to the use of dive flags. OUGHT TO PASS WITH AMENDMENT**

Rep. Mark A. Krochmal for Transportation: This bill increases the minimum distance that boaters shall remain from a dive flag from 75 to 150 feet, and requires that divers remain within 75 feet of their flag. The bill further defines that the dive flag shall consist of a red field with a diagonal white stripe and that said flag shall have a 360 degree unobstructed view. Vote 13-0.

#### **Amendment (0962L)**

Amend the bill by replacing section 1 with the following:

1 Scuba Diving and Snorkeling; Restrictions. Amend RSA 270:31 to read as follows:  
270:31 Scuba Diving and Snorkeling.

*I. Any person engaged in scuba diving on any of the [inland] public waters of the state and any person engaged in snorkeling in normally traveled navigable [inland] public waters shall have a diver's flag, consisting of a red flag with a diagonal white stripe, displayed indicating that diving activities are in progress. The bottom of said flag shall extend at least 3 feet above*

the surface of the water *and the view of which shall be unobstructed for 360 degrees.*

II. Any person engaged in scuba diving or snorkeling shall remain within 75 feet of their dive flag. Boaters shall remain a minimum of 150 feet away from any posted dive flag, unless there are circumstances which prevent the operator from maintaining a minimum of 150 feet, in which case the operator shall maintain headway speed.

III. The commissioner of safety may adopt rules pursuant to RSA 541-A relative to restricting scuba diving between sunset and sunrise.

### REGULAR CALENDAR

**HB 202**, relative to minimum capital requirements for savings banks and trust companies. **OUGHT TO PASS**

Rep. John Hunt for Commerce, Small Business, Consumer Affairs and Economic Development: The current law that dates back to 1975, sets the minimum capital requirements at \$100,000 and \$200,000 for all cities with a population over 50,000. The bill sets a flat minimum requirement of \$250,000 for all savings banks and trust companies. Vote 17-1.

Adopted and ordered to third reading.

**HB 138**, relative to the appointment of inspectors of election. **INEXPEDIENT TO LEGISLATE**

Rep. Philip T. Cobbin for Constitutional and Statutory Revision: The bill would restrict the ability of moderators to arrange for inspectors of election. Vote 10-6.

Adopted.

**HB 103**, relative to the qualifications of the adjutant general. **OUGHT TO PASS**

Rep. Bruce F. Hunter for Public Protection and Veterans Affairs: This is to bring the Adjutant General in conformity with the Federal Code by providing that after one year as a Brigadier General, the Adjutant General may be appointed to the rank of Major General. Vote 15-0.

Adopted and ordered to third reading.

**HB 120**, prohibiting certain motorboats on Flint Pond in the town of Hollis. **OUGHT TO PASS**

Rep. Normand R. Bergeron for Transportation: This bill prohibits use of petroleum-powered motorboats on Flint Pond in the town of Hollis. Electric-powered motors not in excess of 3 horsepower are authorized. Flint Pond (48 acres) is not suitable for support of intensive motorboat activity because of its small size and dense plant growth including exotic species of water milfoil. This legislation will protect water quality and may help curtail the spread of milfoil to other ponds throughout the state. Vote 14-2.

Adopted and ordered to third reading.

**HB 146**, prohibiting studded tires in the non-winter months. **INEXPEDIENT TO LEGISLATE**

Rep. Henry P. Mock for Transportation: The committee felt that the very limited use of studded tires during the present era of front wheel drive vehicles and all-weather tires was not an issue that needed to be addressed by statute. The subject was considered on the whole to be a non-issue at this time. Vote 16-1.

Adopted.

**HB 167**, relative to appointing the members of the ballot law commission. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: The bill would change the method of nominating the members of the Ballot Law Commission. The committee had difficulty with the term 3 major political parties. There was very little public input and the proposed changes would raise as many questions as it answers. The full committee felt that the bill was not appropriate at this time. Vote 16-0.

Adopted.

**HB 223**, relative to the losing party's payment of the prevailing party's costs in tort actions. **INEXPEDIENT TO LEGISLATE**

Rep. David C. Allison for Judiciary and Family Law: This bill was deemed inexpedient to legislate because it would cause a change in civil law that would discourage, sometimes event prevent, contingency fee lawsuits against powerful, well-financed, interests. Vote 13-0.

Rep. Dickinson spoke against.

Rep. Lockwood spoke in favor and yielded to questions.

Rep. Dickinson requested a roll call; sufficiently seconded. The question being the adoption of the report.

## YEAS 260 - NAYS 86

### YEAS 260

#### BELKNAP

Boriso, Thomas	Cain, Thomas	Holbrook, Robert	Hurt, George
Johnson, James	Lawton, Robert	Thomas, John	Turner, Robert
Ziegler, Alice			

#### CARROLL

Bradley, Jeb	Foster, Robert	Kenney, Joseph	Lyman, L. Randy
Mock, Henry	Patten, Betsey		

#### CHESHIRE

Avery, Stephen	Burnham, Daniel	Champagne, Richard	Cole, Stacey
DePecol, Benjamin	Doucette, Richard	Feuer, Joseph	Hunt, John
Laurent, John	McNamara, Wanda	Metzger, Katherine	Pratt, Irene
Richardson, Barbara	Smith, Edwin	Steere, Myron, III	Wollner, Robert

#### COOS

Coulombe, Henry	Davis, Perley	Guay, Lawrence	Hawkinson, Marie
Horton, Lynn	Mayhew, Josephine	Mears, Edgar	

#### GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Brown, Channing	Chase, Paul, Jr.	Connolly, Steven	Eaton, Stephanie
Hill, Richard	Larson, Nils, Jr.	MacNeil, Allen	Phinney, William
Scanlan, David	Teschner, Douglass	Tucker, John	

#### HILLSBOROUGH

Ahern, Richard	Aksten, Cheryl	Alukonis, David	Amidon, Eleanor
Andrews, Frederick	Barry, Janet	Belvin, William	Bergeron, Normand
Boutin, David	Bridgewater, Charles	Brundige, Robert	Buckley, Raymond
Burke, M. Virginia	Calawa, Leon, Jr.	Cepaitis, Elizabeth	Chabot, Robert
Champagne, Norma	Cote, David	Cote, Peter	Desmarais, Vivian
Dodge, Emma	Dokmo, Cynthia	Durham, Susan	Dwyer, Paul, Sr.
Dyer, Merton	Emerton, Lawrence, Sr.	Feng, David	Ferguson, Charles
Fields, Dennis	Foster, Linda	Francoeur, Gary	Franks, Suzan
Gagnon, Eugene	Gibson, John	Gotham, Rita	Goulet, Maurice
Hart, Nick	Herman, Keith	Holden, Carol	Holley, Sylvia
Jean, Claudette	Johnson, Lionel	Kane, Laura	Kelley, Robert
LaRose, Richard	Laughlin, J. Francis	Lefebvre, Roland	Legacy, Earl
Letendre, Evelyn	Lozeau, DonnaLee	Luebker, Bernard	MacIntyre, Doris
Marcinkowski, Michael	McCarthy, William	McCarty, Winston	McMahon, Donald
McRae, Karen	Melcher, Harold	Mercer, Robert	Messier, Irene
Milligan, Robert	Mittelman, David	Morello, Michael	O'Hearn, Jane
O'Rourke, Joanne	Packard, Bonnie	Pappas, Marc	Pepino, Leo
Perkins, Paul	Philbrook, Paula	Reidy, Frank	Riley, Frances
Sallada, Roland	Sargent, Maxwell	Searles, Stanley, Sr.	Showerman, Peter
Soucy, Donna	Soucy, Richard	Streeter, Janice	Sullens, Joan
Taylor, Paul	Thulander, O. Alan	Toomey, Kathryn	Turgeon, Roland
Wells, Peter, Sr.	Wheeler, Craig	Wheeler, Robert	White, Donald
White, John	Worthen, Dorothy	Wright, George	

**MERRIMACK**

Adams, Stephen  
 Chandler, Earle  
 Holmes, Mary  
 Lockwood, Robert  
 Pfaff, Terence  
 Warner, Richard

Brown, Mary  
 Chandler, John  
 Jacobson, Alf  
 MacKay, James  
 Rogers, Katherine  
 Willis, Jack

Buessing, Marjorie  
 DeStefano, Stephen  
 Lamach, Bernard  
 Morrill, Olive  
 Shaw, Randall

Chandler, Charles  
 Hess, David  
 Langer, Ray  
 Owen, Derek  
 Varsalone, Robert

**ROCKINGHAM**

Abbott, Dennis  
 Beaulieu, Jon  
 Case, Margaret  
 Conroy, Janet  
 Dolan, Richard  
 Fesh, Robert  
 Gage, Beverly  
 Hurst, Sharleene  
 Katsakiores, Phyllis  
 Lee, Rebecca  
 McCarthy, John, Jr.  
 Raynowska, Bernard  
 Scanlon, Edward  
 Stone, Joseph  
 Welch, David

Aranda, M. Kathryn  
 Belanger, Ronald  
 Christie, Andrew, Jr.  
 Cote, Patricia  
 Dowling, Patricia  
 Flanagan, Natalie  
 Gleason, John  
 Hutchinson, Karen  
 Klemm, Arthur, Jr.  
 Lovejoy, Marian  
 Moore, Benjamin  
 Richards, David  
 Senter, Marilyn  
 Sytek, John  
 Weyler, Kenneth

Attar, Kevin  
 Bishop, Franklin  
 Clark, Vivian  
 Crossman, Harold, Jr.  
 Dube, LeRoy  
 Flanders, David  
 Goddard, Warren  
 Johnson, Robert  
 Kruse, Fred  
 Magoon, Harold  
 Nowe, Ronald  
 Ross, James  
 Simmons, John Anthony  
 Tufts, J. Arthur  
 Yennaco, Carol

Battles, Marjorie  
 Carson, Gregory  
 Coes, Betsy  
 Dodge, Robert  
 Dunham, Vivian  
 Flanders, John, Sr.  
 Gorman, Donald  
 Katsakiores, George  
 Langley, Jane  
 Malcolm, Ken  
 Noyes, Richard  
 Sabella, Norma  
 Smith, Arthur  
 Weare, Everett

**STRAFFORD**

Brown, George  
 Hambrick, Patricia  
 Keans, Sandra  
 Musler, George  
 Sullivan, Henry  
 Torr, Ralph

Brown, Julie  
 Hanlon, Mark  
 Knowles, William  
 Snyder, Clair  
 Tessimond, Shane  
 Wall, Janet

Callaghan, Frank  
 Hemon, Roland  
 Lundborn, Raymond  
 Spear, Barbara  
 Torr, Ann  
 Wasson, Richard

Dunlap, Patricia  
 Hilliard, Dana  
 Merrill, Amanda  
 Steadman, Frederick  
 Torr, Franklin  
 Williams, Howard

**SULLIVAN**

Allison, David  
 Krueger, Richard  
 Schotanus, Merle

Behrens, Thomas  
 Lindblade, Eric  
 Scott, Robert

Cloutier, John  
 Palmer, Lorraine  
 Stettenheim, Sandy

Flint, Gordon  
 Peyron, Fredrik

**NAYS 86****BELKNAP**

Bartlett, Gordon  
 Rosen, Ralph

Laflam, Robert  
 Smith, Linda

Lawton, David  
 Wendelboe, Francine

Rice, Thomas, Jr.

**CARROLL**

Babson, David, Jr.  
 Philbrick, Donald

Beach, Mildred

Dickinson, Howard, Jr.

Howard, Godfrey

**CHESHIRE**

Kingsbury, H. Thayer  
 Robertson, Timothy

Lynch, Margaret  
 Royce, H. Charles

Manning, Joseph

McGuirk, Paul

**COOS**

Bradley, Paula  
 St. Hilaire, Paul

Coulombe, Yvonne

Merrill, Gerald

Pratt, Leighton

**GRAFTON**

Cobbin, Philip  
 Mirski, Paul

Copenhaver, Marion  
 Nordgren, Sharon

Crory, Elizabeth  
 Trelfa, Richard

Lovett, Sidney  
 Williams, William, Jr.



**HILLSBOROUGH**

Arnold, Thomas, Jr.	Clegg, Robert, Jr.	Clemons, Jane	Desrosiers, William
Haettenschwiller, Alphonse	Hall, Betty	Hansen, Herbert	Hunter, Bruce
Hussey, Mary	Jean, Loren	Kirby, Thomas	Krochmal, Mark
Kurk, Neal	L'Heureux, Robert	MacGillivray, Jeffrey	Martin, Mary

**MERRIMACK**

Barberia, Richard	Crosby, Toni	Crowell, Peter	Daneault, Gabriel
Dunn, Miriam	Feuerstein, Martin	Nichols, Avis	Patenaude, Amy
Wallner, Mary Jane	Whalley, Michael	Whittemore, James	Yeaton, Charles

**ROCKINGHAM**

Boucher, William	Camm, Kevin	Felch, Charles, Sr.	Kane, Cecelia
Kelley, Jane	McKinney, Betsy	Morris, Debbie	Pantelakos, Laura
Putnam, Ed, II	Rubin, George	Stritch, C. Donald	Syracusa, Anthony
Vaughn, Charles			

**STRAFFORD**

Chagnon, Ronald	DeChane, Marlene	Douglass, Clyde	Grassie, Anne
Loder, Suzanne	McKinley, Robert	Merritt, Deborah	Pelletier, Arthur
Reynolds, Charles	Vincent, Francis	Wheeler, Katherine	

**SULLIVAN**

Adler, Rudolf	Greenleaf, Ronald	Whipple, Allen
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and the report was adopted.

Reps. Daniels and Little did not vote and intended to vote yea.

Rep. Berube did not vote and intended to vote nay.

**ETHICS COMMITTEE REPORT**

Rep. Amanda Merrill addressed the House on the proposed amendments to the Ethics Guidelines and Procedures and yielded to questions.

**REFERRAL DECLINED**

With the approval of the Speaker, the Chairman of the House Finance Committee, Rep. Channing Brown, under the provisions of House Rule 46 (e), declined the referral of House Bills 126, 221 and 200, referred to the Finance Committee on January 26.

The Speaker ordered the bills to third reading.

**RESOLUTION**

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 9, 1995 at 1:00 p.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**HB 121**, relative to the definition of "wrongful dishonor" under article 4 of the uniform commercial code.

**HB 203**, relative to trust company commencement of business.

**HB 579**, requiring the executive director of fish and game to report to the general court relative to the bear and moose management funds.

**HB 10**, correcting references in the statutes to house and senate standing committee names.

**HB 11**, relative to certain statutory and chapter law study committees.

**HB 137**, relative to taxation on abandoned manufactured housing units.

**HB 196-L**, permitting municipalities and counties to establish reserve funds for non-capital purposes and eliminating the necessity for municipalities and school districts to distinguish between capital reserve funds and publicly funded trust funds.

**HB 227-L**, requiring the division of municipal services, department of revenue administration, to establish a standard technical assistance manual for municipalities on finance and budget matters, which may be purchased from the division.

**HB 273**, clarifying the effective date of a law requiring municipalities to print expanded tax relief information on property tax bills.

**HB 183-FN**, repealing 1991, 152 relative to funding the Women's War Memorial.

**HB 197**, authorizing the formation of a water district to address water issues on the seacoast.

**HB 257**, relative to the minimum shoreland protection standards.

**HB 300**, relative to drinking water violations.

**HB 110**, relative to child restraints on motorcycles.

**HB 142**, regulating boaters and divers as to the use of dive flags.

**HB 202**, relative to minimum capital requirements for savings banks and trust companies.

**HB 103**, relative to the qualifications of the adjutant general.

**HB 120**, prohibiting certain motorboats on Flint Pond in the town of Hollis.

Explanatory note: Re below 3 bills: See "Referral Declined" category prior to third reading motion.

**HB 126**, establishing a student activity center account for the New Hampshire technical institute.

**HB 221**, relative to administrative fines for violations of RSA 313-A, relative to barbering, cosmetology, and esthetics.

**HB 200-L**, relative to the application and eligibility for bridge aid.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 2:00 p.m.

## RECESS

(Rep. Robert Wollner in the Chair)

## RESOLUTION

Rep. Buckley offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Joint Resolution numbered 1, shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

## INTRODUCTION OF SJR

### First, second reading referral

**SJR 1**, in support of keeping the Portsmouth Naval Shipyard open at its full operating capacity. (State-Federal Relations)

## RECESS

Rep. Cole moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 6

Thursday, February 9, 1995

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O gracious God, through fragile words and even more fragile hopes we lift our prayers to You. And despite our frequent lack of faith in the power of language to heal and transform, in Your presence we dare to speak with clarity and candor. Because You live in our midst we speak out against all forces of domination because You give us strength. We do not avoid the work that makes for justice because You care for us. We dedicate ourselves to one another and to the land and people of New Hampshire. As You touch us, O Lord of life, so may we touch others. Amen.

Reps. Laughlin and Vaughn led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Delano, David Cote, Royce, Fuller Clark, Peters, Patricia Cote, DePecol, Nehring and Little, the day, illness.

Reps. Asselin, Boutin, Crory, Kennedy, Langer, Lupien, Thomas Cain, Battles, Hanlon, Moncrief, Hutchinson, Lee and Ham, the day, important business.

Rep. Newland, the day, death in the family.

Reps. Lefebvre and Charles Cote, the day, illness in the family.

### INTRODUCTION OF GUESTS

Mary Weertz, guest of Rep. Chase. Margaret Carroll, Marcy Mills and Betty Tobey, guests of Rep. Langley.

### COMMUNICATION

February 3, 1995

Hon. Harold W. Burns, Speaker

Due to my recent move outside my district, I am no longer qualified to serve as a member of the House representing Hillsborough County District 33.

While at first it appeared I might be able to relocate back into the district, it soon became apparent this would not happen.

I, therefore, regretfully submit my resignation from the NH General Court so that the City of Nashua can arrange to elect another representative to take my place.

My brief time in the House has been very rewarding. I enjoyed my committee work (Constitutional and Statutory Revision) and looked forward to an exciting two years. Having to leave so soon is a big personal letdown. I would like to give it another try some day.

Rep. Jim McClarin

The Speaker accepted the resignation with regret.

### COMMITTEE ASSIGNMENT

Rep. Gordon B. Flint off Labor, Industrial & Rehabilitative Services; on Public Works and Highways.

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 158**, prohibiting late payment fees on consumer installment credit payments, was removed at the request of Rep. Hemon.

**HB 132**, relative to life imprisonment for persons who have committed 3 or more serious violent felonies, was removed at the request of Rep. Laura Kane.

Consent Calendar adopted.

**HB 213**, relative to license surrender by lenders regulated by the banking department. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard Krueger for Commerce, Small Business, Consumer Affairs and Economic Development: This bill is designed to improve license control of and strengthen regulation of Sales Business Finance Companies who make loans to consumers. These loans are usually short term and in relatively small amounts, such as tax returns. Vote 15-0.

#### **Amendment (1038L)**

Amend RSA 361-A:2-a, I as inserted by section 1 of the bill by replacing it with the following:

I. A licensee who ceases to engage in the business of a sales finance company or retail seller at any time during a license year for any cause, including but not limited to bankruptcy, license revocation or voluntary dissolution, shall surrender such license in person or by registered or certified mail to the bank commissioner within 15 calendar days of such cessation.

**HB 214**, relative to banking department examinations of first and second mortgage loan licensees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard Krueger for Commerce, Small Business, Consumer Affairs and Economic Development: This bill gives the banking department the ability to regulate all lenders and brokers of first mortgage loans under all applicable New Hampshire laws and the Federal Consumer Credit Protection Act. Vote 14-0

#### **Amendment (1036L)**

Amend RSA 397-A:2, II as inserted by section 1 of the bill by replacing it with the following:

II. Any first mortgage loan made or brokered under the provisions of this chapter shall be further governed by any other applicable laws of the state of New Hampshire *and by the Consumer Credit Protection Act, as amended (15 U.S.C. 1601 et seq.)*.

**HB 253-L**, requiring the moderator to designate ballot clerks for certain school district elections. **INEXPEDIENT TO LEGISLATE**

Rep. Philip T. Cobbin for Constitutional and Statutory Revision: The sponsor of this bill informed the Committee that he would like to have the bill withdrawn. Thus, the vote inexpedient to legislate. Vote 16-0.

**HB 335**, relative to marking a straight ticket ballot. **INEXPEDIENT TO LEGISLATE**

Rep. Carol H. Holden for Constitutional and Statutory Revision: HB 335, as written, would create more confusion with straight ticket voting. The Committee has other bills in its possession that address this ballot issue. Vote 16-0.

**HB 205-L**, relative to university of New Hampshire cooperative extension programs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Karen K. Hutchinson for Education: This bill allows our laws to more accurately reflect the current role of the university of New Hampshire extension program and eliminates the word "service" from its official title. Vote 19-1.

#### **Amendment (1035L)**

Amend the bill by replacing section 25 with the following:

25 Effective Date. This act shall take effect upon its passage.

**HB 206-L**, allowing local school districts to implement dress codes and uniform requirements. **INEXPEDIENT TO LEGISLATE**

Rep. Karen K. Hutchinson for Education: The committee believes that public policy dealing with appropriate school attire should remain in the control of the individual school districts. Local school boards currently have the policy authority and parameters on student dress. Vote 20-0.

**HB 285**, relative to the transportation of septage. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Trelfa for Environment and Agriculture: During the public hearings it became apparent the problem addressed by HB 285 had already been corrected by the Department of Environmental Services. Under the circumstances, the prime sponsor agreed. Vote 18-0.

**HB 352**, relative to the New Hampshire/Vermont solid waste compact. RE-REFER TO COMMITTEE

Rep. M. Kathryn Aranda for Environment and Agriculture: This legislative vehicle is not needed at this time, but it should remain available to the House when and if it is needed. Vote 17-0.

**HB 261**, relative to the granite state cultural legacy award. OUGHT TO PASS

Rep. Maurice E. Goulet for Executive Departments and Administration: The intent of this bill expands the window of time that this award may be given. It provides an approximate 5 month period (as opposed to specifically indicating the month of April) for awarding this honor. The Committee felt this extension was reasonable. In addition, it provides gender neutrality where necessary in the bill. Vote 16-0.

**HB 278**, establishing a committee to study group II in the New Hampshire retirement system. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: The sponsor reported that those who would be affected by this bill have recently met and they feel a legislative study committee is not needed at this time. Therefore, the committee voted the bill inexpedient to legislate. Vote 15-0.

Rep. Howard Williams declared a conflict of interest and did not participate.

**HB 115-FN**, increasing fees for certain fish and game licenses for nonresidents and establishing a nonresident hunting and fishing license. OUGHT TO PASS

Rep. David J. Alukonis for Finance: The Finance Committee endorses the Fish and Game Department's desire to increase certain non-resident hunting and fishing licenses to levels competitive with our neighboring states. The Department has forecast that the proposed changes will yield an increase in Fish and Game revenues by \$106,054 in FY 1996, by \$226,608 in FY 1997, and by \$239,752 in FY 1998 and FY 1999. Vote 24-1.

**HB 179-FN-A**, relative to the reconstruction of the railroad overpass on NH route 135 near the John's River in the town of Dalton and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Neal M. Kurk for Finance: This bill deals with the reconstruction of a railway overpass to alleviate a flooding problem on a state highway in Dalton. The amendment removes a section urging the planning agency to include the project in its next transportation improvement plan. The bill appropriates \$1 from the general fund; the cost of the reconstruction will be paid from the Highway Fund in the normal budgetary process. Vote 25-0.

#### Amendment (1088L)

Amend the bill by deleting section 2 and renumbering section 3 to read as 2.

**HB 245**, changing the status of the economic development fund to a nonlapsing fund. OUGHT TO PASS WITH AMENDMENT

Rep. Franklin G. Torr for Finance: The original bill would have made these funds nonlapsing indefinitely. The amendment provides for the funds to be nonlapsing to a date specific, June 30, 1997. Vote 25-0.

#### Amendment (1023L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

changing the lapse date of the economic development fund and relative to an appropriation made in the 1994-1995 operating budget.

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation Extended. Amend 1991, 4:22 as amended by 1992, 289:26 and 1993, 358:18 to read as follows:

4:22 Appropriation. The sum of \$5,750,000 is hereby appropriated to the department of resources and economic development for the purpose of carrying out the provisions of section 21 of this act. These funds shall be in addition to any other funds appropriated to the department and on June 30, [1995] 1997, all unexpended and unencumbered balances shall lapse.

2 New Paragraph; Date Changed. Amend 1993, 349:18 by inserting after paragraph II the following new paragraph:

III. The appropriation contained in paragraph I shall not lapse until June 30, 1997. Any balances remaining as of June 30, 1995, shall be allocated by the review committee or budget within the state operating budget for the purposes of paragraph I or other economic initiatives and programs.

3 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill changes the status of the economic development fund from lapsing to nonlapsing. This bill also extends an appropriation made in the 1994-1995 operating budget.

**HB 327-FN**, transferring certain Hampton Falls property. **INEXPEDIENT TO LEGISLATE**

Rep. David J. Alukonis for Finance: This bill concerns approximately 56 acres located in the town of Hampton Falls and which is owned by the New Hampshire Housing Finance Authority (the Authority). The land was acquired by "the Authority" pursuant to RSA 250:7 in 1988 for the purposes of developing affordable housing stock. The Finance Committee is in agreement with "the Authority's" continuing desire to hold the property for future development. Vote 16-0.

**HB 373**, relative to veterans' home trust fund revenues and expenditures. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gerald P. Merrill for Finance: This bill requires that all disbursements made by state agencies and departments for trust fund purposes shall follow the laws, rules and regulations applicable to said agencies and departments. Therefore all agencies will be held more accountable. Vote 19-0.

#### Amendment (1076L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to trust fund disbursements by state agencies and departments.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Trust Fund Disbursements. Amend RSA 11 by inserting after section 6 the following new section:

11:7 Trust Fund Disbursements.

I. All disbursements made by state agencies and departments for trust fund purposes shall follow the laws, rules and regulations applicable to said agencies and departments for normal operating and capital purposes.

II. This section shall not apply to the trust funds held by the university system of New Hampshire, the New Hampshire retirement system or the department of employment security.

2 Effective Date. This act shall take effect July 1, 1995.

#### AMENDED ANALYSIS

This bill requires most state agencies and departments to follow the laws, rules and regulations applicable to said agencies and departments for normal operating and capital purposes when making disbursements for trust fund purposes.

**HB 502-FN**, amending the fiscal note law. **OUGHT TO PASS WITH AMENDMENT**

Rep. Frances L. Riley for Finance: This legislation was filed at the request of the LBA to alleviate the burden of preparing fiscal notes for relatively small amounts. This bill, as amended, now requires a fiscal note only if it includes an amount which is \$10,000 or more in any fiscal year. Vote 20-0.

#### Amendment (1077L)

Amend RSA 14:44, II(h) as inserted by section 2 of the bill by replacing it with the following:

(h) Have a total fiscal impact of less than \$10,000 in any fiscal year over the period covered by the fiscal note, in accordance with RSA 14:46, II.

Amend the bill by deleting section 4 and renumbering the original section 5 to read as 4.

## AMENDED ANALYSIS

This bill amends the fiscal note law by:

- (1) Clarifying that the law applies to fiscal notes rather than to fiscal statements.
- (2) Eliminating the need for fiscal notes for bills which have a total fiscal impact of less than \$10,000 in any fiscal year over a 6-year period.
- (3) Requiring fiscal notes for bills which relate to the New Hampshire retirement system.

**HB 642-FN-A-L**, to extend NH Public Television services to all New Hampshire public schools, grades K-12, and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph E. Stone for Finance: This bill was voted Inexpedient to Legislate upon the request of the sponsor. The committee was advised that the funding for this bill would be approached via departmental funding rather than being raised by passage of a bill. Vote 23-0.

**HB 310-FN**, relative to the medical and rehabilitation fee schedule and adding a member to the workers' compensation advisory council. **OUGHT TO PASS**

Rep. Gary L. Daniels for Labor, Industrial and Rehabilitative Services: This bill adds a representative of self-funded employers, which make up 20 to 30% of the marketplace, to the Workers' Compensation Advisory Council. In addition the bill extends the date for the medical and rehabilitation fee schedule to become effective, allowing sufficient time to analyze the success or failure of the current managed care system. Vote 14-1.

**HB 317-FN**, relative to disqualification for unemployment compensation benefits due to self-employment. **OUGHT TO PASS**

Rep. Gary L. Daniels for Labor, Industrial and Rehabilitative Services: This bill repeals a section of a law passed in the last session. After working with this section of the new law for a year, the Department of Employment Security has determined that they can not administer unemployment compensation equitably unless this section is repealed. Vote 16-0.

**HB 172-L**, relative to the property tax exempt status of agricultural fairgrounds. **INEXPEDIENT TO LEGISLATE**

Rep. Linda T. Foster for Municipal and County Government: The committee does not believe that including agricultural fairgrounds with the entities listed in RSA 72:23-c, I, thereby allowing their exemption from the property tax, is in the best interests of state or local policy. Currently, five of the twelve affected communities offer some form of exemption or abatement for this use. The committee believes that such shifts in the local tax burden are best addressed at the local level where there is ample opportunity for discussion, deliberation, and resolution. Vote 16-0.

**HB 334-FN-L**, relative to the powers and duties of a municipality relating to trust funds and school district taxes, relative to qualification of beneficial interest trust owners for certain tax exemptions, and relative to public meetings of the current use board. **OUGHT TO PASS**

Rep. Linda T. Foster for Municipal and County Government: This bill addresses "housekeeping" changes requested by the Department of Revenue Administration. These changes offer more clarity and consistency, received no negative testimony, and received the unanimous support of the committee. Vote 14-0.

**HB 321-FN-L**, relative to the compensation paid to election officers at city, town, and state elections. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: It is the committee's belief that this bill is not necessary. It purports to give authority to selectmen and city councils which they already have. Vote 16-0.

**HB 458-L**, relative to the discontinuance of town roads. **INEXPEDIENT TO LEGISLATE**

Rep. John P. Chandler for Public Works and Highways: This bill would establish the presumption that a town road has been abandoned if not maintained for thirty or more consecutive years. On the surface this would appear reasonable. However, there are several significant problems. First, official records concerning early town road layouts are sketchy. Second, there was overwhelming opposition to the bill from individuals, recreational interests, business interests and municipal interests because passage of this bill would dismantle the uniquely New Hampshire

Class VI road "system", which does provide important communication routes and access to remote areas without taxpayer expense. Lastly, there is a real possibility that implementation of this presumption could result in a "taking", thereby requiring compensation. The usefulness of Class VI roads coupled with the risk of opening up new avenues of litigation (and an unfunded mandate) overshadows the limited interest in this bill. Vote 17-0.

**HB 582-FN**, designating a portion of New Hampshire route 25 the Mount Moosilauke Highway. **OUGHT TO PASS WITH AMENDMENT**

Rep. John P. Chandler for Public Works and Highways: The title of this bill is largely self explanatory. Testimony revealed no opposition and a consensus that "Route 25" was not a very meaningful address. Association of this attractive highway with Mount Moosilauke is entirely appropriate and consistent with neighboring highways using the names of Tenney Mountain and Ragged Mountain. Indeed, such descriptive names are helpful to tourists as well as residents and businesses. The amendment repeals a 1949 statute, long forgotten, which authorized the name "Moosilauke Road". Vote 13-1.

#### **Amendment (1047L)**

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Repeal. 1949, 74 relative to the Moosilauke Road is repealed.

**HB 629**, relative to the placement of political campaign signs. **INEXPEDIENT TO LEGISLATE**

Rep. James A. Whittemore for Public Works and Highways: The committee felt that passage of this bill would create more problems than it would solve, and the committee is recommending re-referral of House Bill 348 to take a look at the whole issue of placement of campaign signs. Vote 17-0.

**HB 639-FN**, reclassifying portions of certain roads in the towns of Sugar Hill and Albany. **OUGHT TO PASS WITH AMENDMENT**

Rep. John P. Chandler for Public Works and Highways: This bill addresses three separate road classification actions. First, 1.0 miles of state maintained Class II highway in the town of Sugar Hill will become town maintained Class V. Second, 0.69 miles of Class II highway in the town of Albany will become Class V. Both of these changes are at the request of the respective towns. Third, 2.46 miles of town maintained Class V highway mixed in with two segments of Class II highway in Albany, known as Bald Hill Road, will be reclassified as Class II making these combined road segments of 2.87 miles eligible for state aid (2/3 state and 1/3 town) for reconstruction. The committee amendment completes the agreement between the New Hampshire Department of Transportation and the town of Albany by providing that this entire 2.87 mile portion of Bald Hill Road shall revert to Class V 60 days after completion of the reconstruction. Vote 16-0.

#### **Amendment (1069L)**

Amend the bill by replacing section 2 with the following:

2 Bald Hill Road in Albany; Classification Changed to Class II. Bald Hill Road, in the town of Albany beginning at the Albany-Madison town line northerly 2.46 miles to the Albany-Conway town line is classified as a class II highway provided, however, that Bald Hill Road shall be reclassified as a class V highway 60 days after completion of the reconstruction to be performed by the department of transportation.

#### **AMENDED ANALYSIS**

This bill reclassifies from class II to class V portions of:

I. Easton Road in the town of Sugar Hill.

II. Drake Hill Road in the town of Albany.

This bill reclassifies class V Bald Hill Road in the town of Albany as a class II highway, provided, that the road shall be reclassified as a class V highway upon completion of reconstruction to be performed by the department of transportation.

Referred to Finance.



**HB 165**, relative to the public use of shorelands. **OUGHT TO PASS WITH AMENDMENT**

Rep. Howard C. Dickinson and Rep. Thomas J. Kirby for Resources, Recreation and Development: As amended, HB 165 clarifies the long-standing historical practice, confirmed by judicial decisions and extending over the three hundred years of New Hampshire experience, concerning the respective rights of the public and private landowners relating to the use of New Hampshire coastal shorelands. This measure accomplishes the task by placing into statute the "OPINION OF THE JUSTICES" #94-322 which codifies existing law. Lands washed by the ebb and flow of the tide during the North American tidal epoch to the "high water mark" are in the public trust while lands never covered by this tide are outside the public trust, and are private property unburdened by public rights. Such private lands are those above this high water mark, naturally protected from tidal flows or protected by the construction of any lawful shoreland feature. HB 165 as amended finally resolves the long-standing controversy about the public's right to use New Hampshire beaches. Vote 15-2.

#### **Amendment (1014L)**

Amend the bill by replacing section 1 with the following:

1 New Chapter; Public Use of New Hampshire Coastal Shorelands. Amend RSA by inserting after chapter 483-B the following new chapter:

#### **CHAPTER 483-C**

#### **PUBLIC USE OF NEW HAMPSHIRE COASTAL SHORELANDS**

483-C:1 Public Use of Coastal Shorelands.

I. It is the purpose of the general court in this section to recognize and confirm the historical practice and common law right of the public to enjoy the greatest portion of New Hampshire coastal shoreland, in accordance with the public trust doctrine subject to those littoral rights recognized at common law.

II. The general court recognizes that New Hampshire holds in "public trust" rights in all shorelands subject to the ebb and flow of the tide to the high water mark and subject to those littoral rights recognized at common law. This "public trust" shoreland establishes the extreme seaward boundary extension of all private property rights in New Hampshire except for those "jus privatum" rights validly conveyed by legislative act without impairment of New Hampshire's "jus publicum" interests.

III. Any person may use the public trust coastal shorelands of New Hampshire for all useful and lawful purposes, to include recreational purposes, subject to the provisions of municipal ordinances relative to the "reasonable use" of the public trust shorelands.

IV. The provisions of this section shall in no way be construed as affecting the title of private property owners of land contiguous to land subject to the public trust.

V. The high water mark which bounds the shoreward extent of the public trust shorelands in New Hampshire, excluding abnormal storm events, means the furthest landward limit reached by the highest tidal flow, commonly referred to as the highest spring or highest "syzygy" tide occurring during the 19-year Metonic cycle. The landward trace of the high water mark in New Hampshire is established by the tidal station data within the contemporary 19-year "National Tidal Datum Epoch" for Portland Maine, Casco Bay (NOS MAINE 841 8150) as that data is transposed to New Hampshire tidal stations by the "differences" tidal constant established by the National Ocean Service (NOS) of the National Oceanic and Atmospheric Administration (NOAA) for New Hampshire tidal stations and published in the annual "Tide Tables High and Low Water Predictions, East Coast of North and South America, Including Greenland". The contemporary 19-year National Tidal Datum Epoch is the national tidal data base maintained by NOS of NOAA.

VI. For the purposes of this section, "coastal shorelands" means that portion of the shoreland extending to the high water mark.

#### **AMENDED ANALYSIS**

This bill clarifies the areas on New Hampshire coastal shorelands that the public may use for recreational purposes.

**HB 478-FN**, relative to issuing operating permits to major stationary sources of air pollution. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb Bradley for Science, Technology and Energy: This bill is a request of the Attorney General's Office and Department of Environmental Services. It is the result of a work group sponsored by the two agencies that included both business and environmental interests. All parties agreed to this bill. As written it will bring New Hampshire industrial source air permitting regulations into line with Federal rules. It will also allow construction of an industrial source to proceed prior to approval of an operating permit. This is currently not allowed by state law but is allowed by federal rules. Therefore the committee urges ought to pass with amendment. Vote 17-0.

#### **Amendment (1042L)**

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect upon its passage.

**SJR 1**, in support of keeping the Portsmouth Naval Shipyard open at its full operating capacity. **OUGHT TO PASS**

Rep. Stephen G. Avery for State-Federal Relations: The committee wholeheartedly endorses this joint resolution and encourages our Federal Delegation to take all steps available to keep the Portsmouth Naval Shipyard open. Vote 12-0.

**HB 166**, relative to vehicles impeding the flow of traffic. **INEXPEDIENT TO LEGISLATE**

Rep. Sherman A. Packard for Transportation: Knowing that slow vehicles are a problem, passage of this bill will create more problems than it will solve. It does not consider bad weather conditions, loaded trucks or law enforcement problems enforcing such a law. It also brings safety considerations into play where a slow driver may be distracted trying to count the vehicles behind it and may pull off the highway at unsafe locations. Vote 13-0.

**HB 248**, requiring daytime running lights on motor vehicles. **INEXPEDIENT TO LEGISLATE**

Rep. Mark A. Krochmal for Transportation: This bill would require all motor vehicles sold in this state, from the 1996 model year onward to be equipped with daytime running lights that would be on at all times when the engine is running. Given that auto manufacturers are already moving in this direction on their own accord, as early as 1996 models, the committee has decided that a New Hampshire statute would be unnecessary. Vote 14-0.

**HB 482-FN**, requiring the division of motor vehicles to provide a limited purpose drivers license to persons who have lost their privileges. **RE-REFER TO COMMITTEE**

Rep. Henry P. Mock for Transportation: Even though the committee opposed any efforts to soften the penalties for persons convicted of Driving While Intoxicated, they felt this bill worthy of further study because it would allow the division of motor vehicles to issue a limited privilege drivers license to DWI offenders to travel only to and from the holder's residence and place of employment. Vote 15-0.

**HB 174-FN**, authorizing a certain temporary nonresident fishing license and setting the license fee. **INEXPEDIENT TO LEGISLATE**

Rep. William P. Boucher for Wildlife and Marine Resources: The state of Vermont issued a one-day license and lost considerable income in the three-day and other license categories. Since there was no support for the bill, the committee unanimously agreed not to gamble and voted 15-0 not to fix what is not broken. Vote 15-0.

**HB 180-FN**, permitting the use of certain snares, which shall be subject to the same terms and conditions as other traps. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph N. Feuer for Wildlife and Marine Resources: At the hearing this bill was withdrawn by the original sponsor upon request of the trappers who initiated it but subsequently determined that its intent was unnecessary at this point in time. Vote 15-0.

#### **REGULAR CALENDAR**

**HB 325-FN**, relative to the bonding authority of the business finance authority. **OUGHT TO PASS**

Rep. John Hunt for Commerce, Small Business, Consumer Affairs and Economic Development: Although this bill has a Fiscal Note attached, there does not seem to be a determinable effect, and possibly a positive benefit to the state. The bill broadens the BFA to other areas and

working capital to New Hampshire companies. The bill also allows the Business Finance Authority to prohibit a person or entity from applying for authority if they have made false statements. Vote 14-0.

Adopted and ordered to third reading.

**CACR 3**, relating to abolishing the executive council. Providing that the executive council shall be abolished. **INEXPEDIENT TO LEGISLATE**

Rep. Natalie S. Flanagan for Constitutional and Statutory Revision: The Executive Council acts as a body of checks and balances. The Council also oversees the Highway Department and has a great deal to do with the budget. Each Councilor does a great deal to protect the people in their district. Vote 13-3.

Adopted.

Rep. Robert Wollner wished to be recorded against the Committee report.

**CACR 4**, relating to establishing a statewide referendum procedure for the repeal of state statutes. Providing that citizens of New Hampshire may directly repeal state statutory provisions by referendum. **INEXPEDIENT TO LEGISLATE**

Rep. Natalie S. Flanagan for Constitutional and Statutory Revision: With 400 members of the House and 24 members of the Senate, anyone who has a reasonable request to change a law or withdraw a law can find a sponsor to make the change. The cost of referenda on the ballot must be considered. Vote 15-0.

Adopted.

Rep. Robert Wollner wished to be recorded against the Committee report.

**HB 235**, to establish new state representative districts for the city of Laconia. **OUGHT TO PASS**

Rep. Randall F. Shaw for Constitutional and Statutory Revision: This bill returns the state representative districts to the city of Laconia. It replaces the one at-large district with six separate districts for electing state representatives. Laconia citizens approved the new districts at the November, 1993, election by a vote of 1,930 (in favor) and 741 (opposed). Vote 9-4.

Rep. Flanagan moved Recommit to Committee and spoke in favor.

Adopted.

**HB 264**, relative to the information required for candidates on ballots. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas I. Arnold, Jr. for Constitutional and Statutory Revision: This bill would require information regarding the candidate's history which the Committee felt was not appropriate to the ballot. The Committee felt that the purpose of the ballot is for the voter to report his vote, not for the candidate's political history. Vote 16-0.

Adopted.

**HB 265**, relative to political contributions for state primary and state general elections. **INEXPEDIENT TO LEGISLATE**

Rep. Jack B. Willis for Constitutional and Statutory Revision: The Committee feels this subject will be taken up in other bills yet to come, such as the monetary limit on political contributions by individuals and committees in elections. Vote 11-5.

Rep. Willis yielded to questions.

Adopted.

**HB 109**, relative to what constitutes prostitution. **OUGHT TO PASS**

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: This bill modifies the language of the prostitution statute by including the phrase "agrees to perform" in the description of prohibited acts. This has always been the intent of the legislature, but a recent interpretation of the current law by one judge made this clarification necessary. Vote 9-4.

Adopted and ordered to third reading.

**HB 463**, relative to the DWI level for juveniles. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sharleene P. Hurst for Corrections and Criminal Justice: HB 463 makes our DWI laws consistent with the prohibition against underage drinking. The sponsor's intent is to allow law

enforcement officials to prosecute underage drinkers for any amount of alcohol they consume. The figure .02 was chosen because it is the lowest alcohol content level that will allow for the use of such items as mouthwash and cough syrup. The amendment makes technical changes and corrections in the language of the bill and RSA's. Vote 18-0.

### Amendment (1124L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to the DWI levels for persons under the age of 21.

Amend the bill by replacing all after the enacting clause with the following:

1 Driving Under the Influence of Drugs or Liquor, Legal Limit Lowered. Amend RSA 265:82, I to read as follows:

I. No person shall drive or attempt to drive a vehicle upon any way:

(a) While [he] ***such person*** is under the influence of intoxicating liquor or any controlled drug or any combination of intoxicating liquor and controlled drugs; or

(b) While [he] ***such person*** has an alcohol concentration of 0.08 or more ***or in the case of a person under the age of 21, 0.02 or more.***

2 Implied Consent Lowered for Persons Under the Age of 21. Amend RSA 265:84 to read as follows:

265:84 Implied Consent of Driver of Motor Vehicle to Submit to Testing to Determine Alcohol Concentration. Any person who drives a vehicle upon the ways of this state shall be deemed to have given consent to physical tests and examinations for the purpose of determining whether [he] ***such person*** is under the influence of intoxicating liquor or controlled drugs, and to a chemical, infrared molecular absorption or gas chromatograph test or tests of any or all of any combination of the following: blood, urine, or breath, for the purpose of determining the controlled drug content of [his] ***such person's*** blood or [his] alcohol concentration if arrested for any offense arising out of acts alleged to have been committed while the person was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or controlled drugs or while having an alcohol concentration of 0.08 or more, ***or in the case of a person under the age of 21, 0.02 or more.*** The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a vehicle upon the ways of this state while under the influence of intoxicating liquor or controlled drugs or while having an alcohol concentration of 0.08 or more, ***or in the case of a person under the age of 21, 0.02 or more.*** A copy of the report of any such test shall be furnished by the law enforcement agency to the person tested within 48 hours of receipt of the report by the agency by certified mail directed to the address shown on such person's license or other identification furnished by the person. Results of a test of the breath shall be furnished immediately in writing to the person tested by the certified breath testing operator conducting the test. When the incident involves an accident resulting in death or serious bodily injury to any person as provided in RSA 265:93, the prerequisites of RSA 265:87 shall not apply.

3 Alcohol Level for Persons Under the Age of 21 Lowered. Amend RSA 265:91-a, I to read as follows:

I. If any person refuses a test as provided in RSA 265:92 or submits to a test described in RSA 265:84 which discloses an alcohol concentration of 0.08 or more or, in the case of a person under the age of 21, [0.04] ***0.02*** or more, the law enforcement officer shall submit a sworn report to the department. In the report the officer shall certify that the test was requested pursuant to RSA 265:84 and that the person refused to submit to testing or submitted to a test which disclosed an alcohol concentration of 0.08 or more, or, in the case of a person under the age of 21, [0.04] ***0.02*** or more.

4 Alcohol Level for Persons Under the Age of 21 Lowered. Amend RSA 265:91-a, II(b) to read as follows:

(b) In the case of a person who submits to a test described in RSA 265:84 which discloses an alcohol concentration of 0.08 or more or, in the case of a person under the age of 21, [0.04] ***0.02*** or more, the suspension shall be for:

5 Gender Neutral. Amend RSA 265:91-a, IV to read as follows:

IV. If the person submits to a test described in RSA 265:84 and the results of the test are not immediately available and therefore no notice has been served by the law enforcement of-

ficer, the department shall mail such notice and the suspension shall be effective 30 days after the date of service. If the address shown in the law enforcement officer's report differs from that shown on the department records, the notice shall be mailed to both addresses. The notice shall be presumed to have been served 3 days after mailing. Upon receipt of the notice of suspension and before requesting any review or hearing under RSA 265:91-b, if the person has a New Hampshire driver's license that has not been surrendered, the person shall surrender [his] *such person's* license at a place designated by the department and shall be issued a temporary driving permit valid for the notice period.

6 Administrative Review; Legal Limit for Persons Under the Age of 21; Reference Changed. Amend RSA 265:91-b, II(d) to read as follows:

(d) Whether the person has refused to submit to the test upon the request of the law enforcement officer or whether a properly administered test or tests disclosed an alcohol concentration of 0.08 or more, or, in the case of a person under 21 years of age, [0.04] *0.02* or more; 7 Effective Date. This act shall take effect September 1, 1995.

#### AMENDED ANALYSIS

This bill:

(1) Prohibits a person under 21 years of age from driving or attempting to drive a vehicle with an alcohol concentration of 0.02 or more.

(2) Imposes a limit of 0.02 for drivers under 21 years of age under the impaired consent law for testing to determine alcohol concentration.

Adopted.

Report adopted and ordered to third reading.

**HB 149-FN**, regulating fertilizer and agricultural liming materials. OUGHT TO PASS

Rep. Donald R. Philbrick for Environment and Agriculture: This bill updates the New Hampshire statutes relative to fertilizer and liming materials. These statutes have been in place for the past 40 years. They will now incorporate the national model fertilizer regulatory act. There was no opposition to this bill in committee hearings or subcommittee. Vote 18-0.

Adopted and referred to Finance.

**HB 225-L**, allowing local governing bodies to offer tax incentives to foster growth in new and existing business construction. RE-REFER TO COMMITTEE

Rep. Richard Noyes for Municipal and County Government: The root motivation for this bill -economic development- is too important to permit closing any doors without a great deal broader input than was provided during the hearing, or than is possible within the limits for immediate action imposed by the rules. The committee believes further development, and wider consideration, is clearly deserved. Vote 15-0.

Adopted.

**HB 284**, providing for the election of members to the county convention as a separate county office. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Norma A. Sabella for the Majority of the Municipal and County Government: It was the sense of the committee that this legislation would not preclude the same problems from arising that presently exist. Furthermore, this legislation would create another level of government. That could possibly give rise to the same level of conflict. Also, the present method of electing the county conventions provides members with a broad understanding of the issues in all three areas: state, local, and county. Vote 9-6.

Reps. Linda T. Foster, Gabriel J. Daneault, Richard Noyes, Roland J. Lefebvre and Elizabeth A. Cepaitis for the Minority of the Municipal and County Government: Allowing counties to separate the offices of State Representative and Delegate to the County Convention would allow: 1. a greater citizen participation in governmental processes, 2. a better understanding of county government's responsibilities and expenses, 3. the opportunity to relieve those representatives who do not believe they can adequately execute their county responsibilities, 4. the opportunity for people to serve in both offices if they wish. The minority emphasizes that this is a local option initiative. It would be voted up or down on the official ballot by citizens residing within a specific county.

Rep. Linda Foster spoke against.

Reps. Sabella and Metzger spoke in favor and yielded to questions.

Rep. Hall spoke against and yielded to questions.

On a division vote, 261 members having voted in the affirmative and 89 in the negative, the Majority report was adopted.

Rep. Robert Wollner wished to be recorded against the Majority report.

**HB 368-L**, granting municipalities the option to change the interest rate on delinquent property taxes and subsequent property taxes. **OUGHT TO PASS**

Rep. John F. Weeks, Jr. for Municipal and County Government: After lengthy discussion, the committee supported this bill because each municipality may or may not adopt its provisions. The committee also noted that since most interest ratios vary from time to time in the marketplace, it is not always possible to legislate a specific rate which works well for all towns and cities. Vote 13-1.

Rep. Behrens moved Recommit to Committee and spoke in favor.

Adopted.

**HB 348**, allowing the placement of campaign signs along highway rights-of-way and imposing civil penalties for election law violations. **RE-REFER TO COMMITTEE**

Rep. Katherine D. Rogers for Public Works and Highways: The committee had two bills regarding the placement of political signs in rights-of-way. Sponsors of both bills expressed frustration with the difficulty of enforcement of violations of current legislation. The committee does not believe that political signs should be given "free reign" in the state's rights-of-ways, we do, however, believe that this issue deserves a closer look. The committee proposes to study this issue closely to see if current statutes can be improved. Vote 12-5.

Adopted.

**HB 564-FN-A**, requiring the University of New Hampshire, in conjunction with the department of environmental services, the department of health and human services, and the department of transportation, to study the impact of road salts and making an appropriation therefor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Winston H. McCarty for the Majority of the Committee on Public Works and Highways: Although this bill has some merit, the Department of Transportation and Environmental Services are aware of some of the multi-state studies that are presently ongoing. The committee feels we should wait for these reports which we hope will give us the directions to go with this problem, and an appropriation of state general funds is warranted at this time. Vote 14-3.

Rep. Katherine D. Rogers for the Minority of the Committee for Public Works and Highways: This bill makes a \$20,000 appropriation to the University of New Hampshire to conduct a study on the impact of road salts, in conjunction with the Department of Environmental Services, Department of Health and Human Services and the Department of Transportation. The road salt issue has received a great deal of attention over recent years due to water quality, vegetation and infrastructure damage issues. The DOT is currently conducting experiments in two areas of the state, and while these experiments will provide useful information toward an improved road salt policy for New Hampshire, we believe a comprehensive look at the impact of road salts will provide further needed information. Concerns for drinking water, general water quality impacts, vegetation destruction, and infrastructure damage caused by the continued use of salt require a much more comprehensive understanding of its environmental impacts.

Majority report adopted.

**HB 383**, relative to signs displayed by liquor licensees and access for patrons to areas of full service restaurants with liquor licenses. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Regulated Revenues: The committee felt that the present signage portion of the law was in the best interests of the state. Allowing drinks in hallways and foyers would cause these egresses to be congested and fire regulations would be affected. Vote 14-3.

Adopted.

**HB 323-FN**, authorizing a New Hampshire Pearl Harbor survivor special number plate. **OUGHT TO PASS WITH AMENDMENT**

Rep. Emma M. Dodge for Transportation: This legislation has been a long time getting this far through the committee. The Commissioner of Safety wholeheartedly supports the Pearl Harbor

Survivor Plate, however, needs this bill to implement the process. This plate honors the "PEACE TIME" military who were caught by the act of aggression on December 7, 1941, that day of infamy which sent our great nation into a devastating period in our history. Vote 12-3.

### Amendment (1130L)

Amend the bill by replacing section 2 with the following:

2 Pearl Harbor Survivors Added. Amend RSA 261:86, II to read as follows:

II. The director shall design and issue, with the approval of the commissioner, number plates to be used on motor vehicles owned by recipients of the Purple Heart medal *or to Pearl Harbor survivors*. The director shall make one set of [such] *Purple Heart* plates available to any person who was awarded the Purple Heart medal in a qualifying war or armed conflict as defined in RSA 72:28, IV, and who was honorably discharged, provided that such person has furnished the director with satisfactory proof of these circumstances. *The director shall make one set of Pearl Harbor survivor plates available to any Pearl Harbor survivor who was honorably discharged, provided that such person has furnished the director with satisfactory proof of these circumstances.* The plates shall be issued upon payment of the regular registration and number plate fees. For the purpose of this paragraph the director may utilize a number plate type issued under the provisions of this title with whatever modifications are necessary. Notwithstanding RSA 265:73 or any other law, any person who is issued a number plate under this paragraph shall not be entitled to free parking privileges provided for disabled veterans.

Adopted.

Report adopted and ordered to third reading.

### HB 381, relative to the definition of crosswalk. OUGHT TO PASS

Rep. Henry P. Mock for Transportation: This bill changes the definition of a crosswalk by deleting the reference to sidewalks on both sides of the road. Crosswalks may be installed in the absence of sidewalks outside of compact areas when approved by the Department of Transportation in accordance with the Manual on Uniform Traffic Control Devices. Vote 13-2.

Adopted and ordered to third reading.

### HB 158, prohibiting late payment fees on consumer installment credit payments. INEXPEDIENT TO LEGISLATE

Rep. Eric Lindblade for Commerce, Small Business, Consumer Affairs and Economic Development: One of the absolutes in consumer credit contracts is the requirement that there is a late charge when payments are not made on time. The sponsor felt that this bill had a limited application, but the committee, in reading the language of the bill came to the conclusion that the bill would apply to all credit transactions from mortgages to department store charge accounts. An amendment brought in by the sponsor did not ameliorate the basic flow of the bill; that enactment of it would seriously impair the whole credit structure as we know it. The bill also fails to indicate how long a period of time would be allowed for bringing an account up to date. Vote 18-0.

Rep. Hemon spoke against.

Rep. Lindblade spoke in favor and yielded to questions.

Rep. Bonnie Packard spoke in favor.

Adopted.

### HB 132, relative to life imprisonment for persons who have committed 3 or more serious violent felonies. INEXPEDIENT TO LEGISLATE

Rep. Donna P. Sytek for Corrections and Criminal Justice: While this measure purports to be a "three strikes, you're out" bill, it actually has the effect of reducing penalties for some crimes by changing the current sentences of death and life without parole to just 18 years, and by making some mandatory sentences discretionary. The committee believes that the current provisions for life without parole for first degree murder or a third rape as well as the enhanced penalties under RSA 651:6 are appropriate and adequate. Vote 19-0.

Rep. Laura Kane spoke against.

Rep. Donna Sytek spoke in favor.

Adopted.

**RESOLUTION**

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 15, 1995 at 1:00 p.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**HB 213**, relative to license surrender by lenders regulated by the banking department.

**HB 214**, relative to banking department examinations of first and second mortgage loan licensees.

**HB 205-L**, relative to university of New Hampshire cooperative extension programs.

**HB 261**, relative to the granite state cultural legacy award.

**HB 115-FN**, increasing fees for certain fish and game licenses for nonresidents and establishing a nonresident hunting and fishing license.

**HB 179-FN-A**, relative to the reconstruction of the railroad overpass on NH route 135 near the John's River in the town of Dalton and making an appropriation therefor.

**HB 245**, changing the lapse date of the economic development fund and relative to an appropriation made in the 1994-1995 operating budget.

**HB 373**, relative to trust fund disbursements by state agencies and departments.

**HB 502-FN**, amending the fiscal note law.

**HB 310-FN**, relative to the medical and rehabilitation fee schedule and adding a member to the workers' compensation advisory council.

**HB 317-FN**, relative to disqualification for unemployment compensation benefits due to self-employment.

**HB 334-FN-L**, relative to the powers and duties of a municipality relating to trust funds and school district taxes, relative to qualification of beneficial interest trust owners for certain tax exemptions, and relative to public meetings of the current use board.

**HB 582-FN**, designating a portion of New Hampshire route 25 the Mount Moosilauke Highway.

**HB 165**, relative to the public use of shorelands.

**HB 478-FN**, relative to issuing operating permits to major stationary sources of air pollution.

**SJR 1**, in support of keeping the Portsmouth Naval Shipyard open at its full operating capacity.

**HB 325-FN**, relative to the bonding authority of the business finance authority.

**HB 109**, relative to what constitutes prostitution.

**HB 463** relative to the DWI levels for persons under the age of 21.

**HB 323-FN**, authorizing a New Hampshire Pearl Harbor survivor special number plate.

**HB 381**, relative to the definition of crosswalk.

**UNANIMOUS CONSENT**

Rep. Conroy addressed the House.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 2:20 p.m.

**RECESS**

**(Rep. Channing Brown in the Chair)**

**RESOLUTION**

Rep. John Sytek offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 16, 17, 20, 28 through 32, 55, 58, 74, 76, 81, 86, 99 and 129, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.



**INTRODUCTION OF SENATE BILLS****First, second reading referral**

**SB 16**, relative to the powers of fiduciaries in environmental matters. (Judiciary and Family Law)

**SB 17**, establishing a committee to continue the study of exclusivity contracts between health care insurers and health care providers and the feasibility of creating health care provider cooperative agreements. (Commerce, Small Business, Consumer Affairs and Economic Development)

**SB 20**, relative to the maintenance and replacement of vegetation located on highway rights-of-way obstructing advertising devices. (Public Works and Highways)

**SB 28**, relative to the air resources council. (Science, Technology and Energy)

**SB 29**, relative to insurers' disclosure of material transactions. (Commerce, Small Business, Consumer Affairs and Economic Development)

**SB 30**, relative to life, accident and health insurance. (Commerce, Small Business, Consumer Affairs and Economic Development)

**SB 31**, relative to participation in the National Association of Insurance Commissioners' insurance regulatory information system. (Commerce, Small Business, Consumer Affairs and Economic Development)

**SB 32**, relative to risk-based capital for insurers. (Commerce, Small Business, Consumer Affairs and Economic Development)

**SB 55**, clarifying the administrative powers of the department of environmental services relative to dams, mills, and flowage. (Executive Departments and Administration)

**SB 58**, relative to the possession of validated detached deer tags. (Wildlife and Marine Resources)

**SB 74**, exempting certain aspects of the radiological health program from the format requirements of the rulemaking process. (Science, Technology and Energy)

**SB 76-FN**, exempting family entertainment centers from gambling prohibitions. (Regulated Revenues)

**SB 81**, clarifying the department of environmental services authority to levy administrative fines. (Executive Departments and Administration)

**SB 86-FN**, relative to indoor air quality in state buildings. (Science, Technology and Energy)

**SB 99-FN**, requiring the international accessibility symbol to be added to the special number plates issued to certain veterans. (Transportation)

**SB 129**, relative to packages and packaging components under the toxic reduction laws. (Environment and Agriculture)

**RECESS****(Rep. Gage in the Chair)****ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Joint Resolution numbered 1.

Rep. Buckley for the Committee

**RECESS****(Rep. Kurk in the Chair)****RESOLUTION**

Its introduction having been approved by the Rules Committee:

Rep. Jeb Bradley offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 52, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF HOUSE BILL****First, second reading and referral**

**HB 52-FN-L**, changing the age for application of the delinquency provisions from 18 to 17. (A. Torr, Straff 12: Corrections and Criminal Justice)

Rep. Cole moved that the House adjourn.

Adopted.

# HOUSE JOURNAL No. 7

Wednesday, February 15, 1995

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Monsignor Philip Kenney of St. John the Evangelist Church in Concord.

Heavenly Father, as we ponder Your contract with Humanity we focus on this: those who make laws must do so for the common good. Enable our legislators to see a red light when the private good of special interests infringes unjustly on the common good of all. Give these lawmakers, as conciliators, the skills of Solomon. Let social justice be the hallmark of this body. Amen.

Rep. Case led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Delano, Nehring, Peyron, Royce, Hansen, Doucette, Crossman, Lovejoy, Senter, Manning, Pelletier, Palmer and Lee, the day, illness.

Reps. Bartlett, McNamara, Ham, Morello, Flint, Weeks, Richards and Copenhaver, the day, important business.

Rep. Charles Cote, the day, illness in the family.

## INTRODUCTION OF GUESTS

Members of the New Hampshire Retail Lumber Association, guests of Rep. Nichols. Christopher Loder, son of Rep. Loder. Francis Ballon and Thomas Bergin, guests of Rep. Babson.

## COMMUNICATION

February 15, 1995

Karen O. Wadsworth, Clerk

This is to advise that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Hillsborough 36, A. Theresa Drabinowicz, d, (56-A Temple St.) 03060

Robert P. Ambrose, Deputy Secretary of State

The Coos County Delegation offered the following:

## HOUSE RESOLUTION NO. 12

honoring Clark Benson of Lancaster for helping to subdue  
a dangerous prisoner at the Coos County Courthouse

WHEREAS, Clark Benson is the facilities manager at the Coos County Superior Courthouse in Lancaster, and

WHEREAS, Clark Benson stands ready to help his fellow court workers in cases of need or emergency, and

WHEREAS, Clark Benson, at the risk of his own life, came to the prompt aid of Deputy Sheriff Tom Gage and Deputy Sheriff John White when they were attacked by a dangerous prisoner, who seriously injured Deputy Gage and attempted to take a weapon away from Deputy White, and

WHEREAS, Clark Benson refuses to describe himself as a hero, but his co-workers and everyone familiar with this incident knows that he truly is, now therefore be it

RESOLVED, by the the House of Representatives in Regular Session convened, that Clark Benson of Lancaster be saluted and thanked for his selfless act of valor in assisting his court-house co-workers during a dangerous incident, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to him.

Unanimously adopted by a rising vote.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 301**, prohibiting certain evidence in sexual assault cases, was removed at the request of Rep. Cobbin.

**HB 421**, establishing a joint committee to examine the best way to ensure an efficient system of criminal prosecution at the district and superior court level, was removed at the request of Rep. Cobbin.

**HB 483-FN**, requiring a plea bargaining agreement to be submitted to the court for judgment at least 2 weeks prior to the trial date, was removed at the request of Rep. Robert Dodge.

**HB 546-FN-A-L**, relative to a statewide school tax on income and making an appropriation therefor, was removed at the request of Rep. Jacobson.

**HB 525-FN**, relative to nonpublic sessions under the right-to-know law, was removed at the request of Rep. Cobbin.

**HB 155**, exempting landing areas of certain privately owned airports from property taxation, was removed at the request of Rep. Weyler.

**HB 340**, relative to electing certain county officers to 4-year rather 2-year terms, was removed at the request of Rep. Henderson.

**HB 298**, relative to the rulemaking authority of the police standards and training council and permitting the council to delegate certain powers and duties to the director of police standards and training, was removed at the request of Rep. Dyer.

**HB 574-FN-L**, requiring seatbelts on all buses transporting school children, was removed at the request of Rep. Pantelakos.

Consent Calendar adopted.

**HB 111**, relative to agreements to pay compensation for abandoned property recovery. **OUGHT TO PASS WITH AMENDMENT**

Rep. Keith R. Herman for Commerce, Small Business, Consumer Affairs and Economic Development: Passage of HB 111 will allow the proper owners of lost or abandoned property to regain ownership without having to forfeit a substantial amount of the value of the property. In addition, this bill will enhance the ability of the Treasury Department to find and locate the rightful owners of abandoned property. Vote 14-1.

### Amendment (1179L)

Amend the bill by replacing section 1 with the following:

1 Agreements to Recover Property. RSA 471-C:39 is repealed and reenacted to read as follows:

471-C:39 Agreements to Locate, Deliver, or Recover Reported Property.

I. All agreements to pay compensation to locate, deliver, recover, or assist in the recovery of property reported under RSA 471-C:19, made within 24 months after the date payment or delivery is made under RSA 471-C:21, are unenforceable.

II. All agreements to pay compensation to recover or assist in the recovery of property reported under RSA 471-C:19 entered into before or after the period described in paragraph I shall be valid only if the fee or compensation agreed upon is not more than 20 percent of the value of the property recovered.

III. An agreement to pay compensation to recover or assist in the recovery of unclaimed property shall be valid only if the agreement is in writing and signed by the apparent owner, sets forth the nature and value of the property and the value of the apparent owner's share after the fee or compensation has been deducted, and contains the following disclosure: "Each state maintains an office of abandoned property. Generally, if for a number of years an owner of property has not communicated in writing directly with the holder of the property and has not otherwise indicated an interest in the property, the property may be transferred to the office of abandoned property which will act as custodian of the property for the owner."

IV. Nothing in this section shall be construed to prevent an owner from asserting at any time that an agreement to locate property is based upon an excessive or unjust consideration.

### AMENDED ANALYSIS

This bill clarifies the circumstances under which agreements to pay compensation to locate, deliver or recover reported property are valid.

**HB 135**, exempting insurers of private landowners who donate the use of their land to a political subdivision that provides adequate insurance coverage of its own from liability arising from such use of private lands. **INEXPEDIENT TO LEGISLATE**

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: This bill is not necessary. The issue is addressed in RSA 508:14 because of the confusion in Dalton. The Commerce Committee Chairwoman is requesting the Insurance Commissioner to send a bulletin to all carriers calling attention to RSA 508:14. Vote 13-0.

**HB 147**, prohibiting banks from charging fees to second party recipients of insufficient funds checks. **INEXPEDIENT TO LEGISLATE**

Rep. Eric N. Lindblade for Commerce, Small Business, Consumer Affairs and Economic Development: There were three reasons presented to the committee for voting this bill Inexpedient to Legislate: 1. The legislature should not seek to micro manage; 2. Bank fees on returned checks are not excessive; 3. This requirement would have only limited applications, as it would only apply to state-chartered banks. Vote 16-0

**HB 188**, establishing a study committee concerning disclosure requirements for bonds issued by political subdivisions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: This bill responds to the guidelines put forth by the Securities and Trade Commission. The amendment reflects the fact that study committees should be done by the House and Senate. Vote 15-0.

#### Amendment (0948L)

Amend paragraphs II-IV as inserted by section 1 of the bill by replacing them with the following:

II. The committee shall consist of the following members:

(a) Three house members appointed by the speaker of the house, one of whom shall be from the municipal and county government committee and 2 of whom shall be from the commerce, small business, consumer affairs and economic development committee.

(b) Two senators appointed by the senate president, one of whom shall be from the banks committee and one of whom shall be from the public affairs committee.

III. All members shall be appointed within 30 days of the effective date of this act. The first-named house member shall call the first meeting of the committee within 60 days of the effective date of this act. Members shall receive mileage at the legislative rate.

IV. The committee shall submit a report on its findings and recommendations, including any proposals for legislation, to the senate president, the speaker of the house, the senate clerk, the house clerk, the governor and the state library on or before November 1, 1995.

**HB 216**, requiring sales finance companies to file annual reports with the bank commissioner. **OUGHT TO PASS**

Rep. Sandra K. Dowd for Commerce, Small Business, Consumer Affairs and Economic Development: This is a consumer protection bill. It adds a new section which requires a sales finance company, lenders for the purpose of purchasing a motor vehicle, to file annual reports on forms supplied by the banking commissioner. Vote 15-0.

**HB 222**, relative to access to homes by manufactured housing park owners. **OUGHT TO PASS WITH AMENDMENT**

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: This bill, as amended, solves access problems for the homeowner and the park owner. It sets guidelines that must be followed by manufactured housing park owners and includes them in RSA 205. Vote 13-0.

#### Amendment (1114L)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Access to Tenant's Home. Amend RSA 205-A:2 by inserting after paragraph XII the following new paragraph:

**XIII.** Enter the home or any other building belonging to a tenant without the permission of the tenant unless it is an emergency. A manufactured housing park owner may enter a lot, leased by a tenant, on which the home is situated, for discussion about and enforcement of park rules, and for the purpose of an emergency, or maintenance, necessary repairs, or improvements to the lot, or at any other time or for any other reason with the permission of the tenant. For the purpose of this section an emergency, means an immediate problem with septic, sewer, water, electricity, or water or sewer lines, which may cause a substantial problem to the home or property, or an immediate problem which may endanger or injure any person.

**HB 234**, relative to savings bank investments. **OUGHT TO PASS**

Rep. Richard H. Krueger for Commerce, Small Business, Consumer Affairs and Economic Development: This changes a reference in RSA 387:14 transferring functions from the NH Insurance Department Security Division to the Office of Security Regulations. Vote 15-0.

**HB 283**, relative to the application of state banking laws, relative to loan loss reserves, and repealing provisions regarding guaranty funds for savings banks and building and loan associations. **OUGHT TO PASS WITH AMENDMENT**

Rep. John B. Hunt for Commerce, Small Business, Consumer Affairs and Economic Development: This bill makes several changes to savings banks, including the repeal of obsolete laws, setting minimum capital requirements, and identifying them as "New Hampshire chartered banks," rather than "state banks." The bill also replaces guaranty funds to loan loss reserves. Vote 15-0.

**Amendment (1187L)**

Amend the bill by deleting sections 4 and 7 and renumbering the original sections 5 and 6 to read as 4 and 5 and the original sections 8-12 to read as 6-10.

**AMENDED ANALYSIS**

This bill changes the application of state banking laws from "state banks" to "all New Hampshire chartered banks." The bill requires institutions under the supervision of the bank commissioner to maintain adequate loan loss reserves and grants the bank commissioner rulemaking authority to establish and enforce loan loss reserve and lending procedure requirements.

The bill repeals provisions relative to mutual and guaranty savings bank and building and loan association guaranty funds and the time for commencement of business of banking organizations.

This bill was requested by the banking department.

**HB 375**, relative to the interest rate on judgments. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard H. Krueger for Commerce, Small Business, Consumer Affairs and Economic Development: This bill ties the interest rate on court judgments to a reasonable indicator of market interest rates—the rate of interest on one-year U.S. Treasury bills. This is fair to all parties and will allow the judgment interest rate to change with economic conditions, without the need for legislative action. Vote 15-0.

**Amendment (1188L)**

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect September 1, 1995.

**HB 251**, relative to checking voter checklists and counting ballots at an election. **INEXPEDIENT TO LEGISLATE**

Rep. Philip T. Cobbin for Constitutional and Statutory Revision: This bill will impose additional procedures on ballot clerks and moderators to address a one-town issue. It is a local problem and should be addressed by the voters. Vote 15-0.

**HB 289-L**, allowing the board of selectmen of a town to place nonbinding local advisory questions on the ballot. **INEXPEDIENT TO LEGISLATE**

Rep. Philip T. Cobbin for Constitutional and Statutory Revision: This bill would allow placement on the ballot of nonbinding local advisory questions by the selectmen. It was felt that this would create confusion associated with the ballot. Vote 13-1.

**HB 496-FN**, eliminating the state-operated multiple DWI offender program and authorizing services to be provided by private providers. **INEXPEDIENT TO LEGISLATE**

Rep. Patricia A. Hambrick for Corrections and Criminal Justice: The committee expressed its full support for the continuation of the multiple offender DWI program. The federal government requires the states to have a maintenance of effort on drug abuse. If we close the program, we lose \$700,000 in federal funds. Also, indigent offenders would be unable to get the help they need, and would be in contempt of court and relegated to jail. Vote 19-0.

**HB 104**, establishing a study committee to examine the development of interactive communication systems among the public schools in the state. **OUGHT TO PASS WITH AMENDMENT**

Rep. Suzan L. R. Franks for Education: This bill as amended extends the reporting date for the committee examining the development of interactive communication systems among the public schools established by 1994, 352:1 and adds a list of recipients of the proposed plan upon completion by November 1, 1995. Vote 17-0.

#### **Amendment (1138L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

extending the reporting date for the committee to examine the development of interactive communication systems among the public schools established by 1994, 352:1, and adding entities to which the report shall be made.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Reporting Date Extended; Reported Entities Added. Amend 1994, 352:2, VI to read as follows:

VI. Issue a report including the plan for implementing an interactive communication system among the public schools, along with recommendations for proposed legislation necessary for implementation of such plan, to the *governor, senate president, the speaker of the house, the senate clerk, the house clerk, the state library, the house and senate education committees, and the state board of education* no later than November 1, [1994] **1995**.

2 Effective Date. This act shall take effect upon its passage.

#### **AMENDED ANALYSIS**

This bill extends the reporting date for the committee established by 1994, 352:1 to November 1, 1995, and adds entities to which the report shall be made.

**HB 128-FN-L**, establishing distribution requirements for state aid to education. **INEXPEDIENT TO LEGISLATE**

Rep. Charles B. Yeaton for Education: The Augenblick formula was adopted to provide funds which would somewhat equalize educational opportunities in the school districts of the state. This bill will divert a portion of available funds over \$50,000,000 from fulfilling that purpose. With a funding level of only about 50 percent, the effectiveness of this formula is currently seriously compromised. Vote 16-0.

**HB 191-L**, requiring a cooperative school district to base a certain minimum of its capital outlay costs on a town's valuation. **INEXPEDIENT TO LEGISLATE**

Rep. O. Alan Thulander for Education: The committee feels that this bill as presented unduly interferes with the concept of "local control." Vote 17-0.

**HB 185**, transferring the Christa McAuliffe planetarium commission to the department of postsecondary technical education, and repealing certain rulemaking provisions. **OUGHT TO PASS WITH AMENDMENT**

Rep. John J. Sytek for Executive Departments and Administration: During its five year existence, the Christa McAuliffe Planetarium has been under the Department of Cultural Affairs. This bill recognizes the growing awareness that the Planetarium would be more reasonably placed as a part of the Department of Postsecondary Technical Education and effects that transfer. Some of the advantages of this transfer include: Postsecondary can provide more administrative support; establishing a link with Postsecondary furthers the educational goals of the Planetarium; and since the Planetarium must raise most of its revenue on its own, it will benefit from Postsecondary's expertise and experience in this area. The amendment eliminates redundant language and corrects a typo. Vote 17-0.

**Amendment (1134L)**

Amend the bill by replacing section 2 with the following:

2 Members Reimbursed for Reasonable Expenses; Gender Neutral Language Substitution. Amend RSA 188-F:3 to read as follows:

188-F:3 Board of Governors. The board of governors shall consist of 7 members, 3 from the field of business and industry, 2 from the field of education, one from the field of health service and one from the field of labor, appointed by the governor and council for staggered 4-year terms. Members shall serve without compensation but may be reimbursed for their *reasonable* expenses. No classified or unclassified employee of the state or person who holds elected state office shall serve on the board. The board shall annually elect one of its members to serve as [chairman] *chairperson*. Vacancies on the board of governors shall be filled for the unexpired term only.

Amend the bill by replacing section 13 with the following:

13 Member of House "Appropriations" Committee Changed to Member of House "Finance" Committee; Members Reimbursed for Reasonable Expenses; Gender Neutral Language Substitution. Amend RSA 188-F:38 to read as follows:

188-F:38 Membership. The committee shall be appointed as follows: 3 senators, including the [chairman] *chairperson* of the senate education committee and a member of the senate finance committee, by the president of the senate; and 3 representatives, including the [chairman] *chairperson* of the house education committee and a member of the house [appropriations] *finance* committee, by the speaker of the house of representatives. The chair of the study committee shall rotate biennially between the [chairman] *chairperson* of the house education committee and the [chairman] *chairperson* of the senate education committee. A member shall only serve while [he is] *also* a member of the general court. The members shall not be entitled to any salary but are entitled to reimbursement for mileage and other *reasonable* expenses incurred in carrying out their duties. The committee may hire necessary consultants, professional or clerical personnel.

Amend RSA 188-F:57, IV as inserted by section 14 of the bill by replacing it with the following:

IV. The commissioner of postsecondary technical education, the commissioner of cultural affairs, and the commissioner of education shall serve as ex officio members of the commission with voting rights.

Amend RSA 188-F:62, V as inserted by section 14 of the bill by replacing it with the following:

V. Authorize the department to enter into contracts which are necessary for the administration of its authority pursuant to this subdivision. All contracts, agreements procurement, personnel, and operations shall be subject to the same requirements as all state agencies; provided, however, that any specialized planetarium program or equipment for which the estimated cost is funded from gifts, grants, or donations to the planetarium fund shall be exempt from competitive bidding requirements.

Amend RSA 188-F:65, I as inserted by section 14 of the bill by replacing it with the following:

I. There is hereby established in the office of the state treasurer a fund to be known as the Christa McAuliffe planetarium fund which shall be kept separate and distinct from all other funds. All fees received by the commission pursuant to RSA 188-F:62 and all monetary gifts, grants, and donations pursuant to RSA 188-F:64 shall be deposited in such fund. This fund is organized exclusively for religious, charitable, scientific, literary, or educational purposes, within the meaning of those terms as used in section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and no part of the net earnings shall inure to the benefit of any individual. The fund is established to pay for the operational expenses of the planetarium and the planetarium commission. The moneys in this fund shall be nonlapsing and shall be continually appropriated to the commission.

Amend paragraph II of section 15 of the bill by replacing it with the following:

II. RSA 188-F:5, III(d) and (e), relative to rulemaking authority of the commissioner regarding standardized management and administrative policies and guidelines for equity in faculty workload.

## AMENDED ANALYSIS

Section 14 of this bill transfers the provisions relating to the Christa McAuliffe planetarium commission from the department of cultural affairs to the department of postsecondary technical education, and revises the provision relative to the Christa McAuliffe planetarium fund.

Section 15 of this bill repeals certain rulemaking provisions relative to standardized management and administrative policies and guidelines for establishing equity in the workload of the faculties of the colleges.

The remainder of this bill amends certain RSA provisions in accordance with RSA 17-A:6 relative to gender neutral drafting.

This bill is a request of the department of postsecondary technical education.

**HB 226**, clarifying the penalties for overloaded vehicles. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: The purpose of this bill was to establish an Administrative Rules process for overloaded vehicles. At the present time, overweight vehicle summons are handled by the district courts with the fine going to the highway fund and the penalty assessment going to the Police Standards and Training Program. With this bill, Police Standards and Training would lose their penalty assessment portion and all funds would accrue to the Highway Fund to be used for vehicle weight enforcement for weighing equipment, bridge maintenance, weight in motion and construction and maintenance of turn-outs for weighing. The committee felt strongly even though this process might be faster and might be less expensive than the present method, the loss of the fine assessment funds would impact the general fund and the committee felt that it was going beyond the original intent of the legislature on the fine assessment program by imposing the assessment on administrative fines as well as court fines. The Department of Safety should seek funds for weighing equipment from some other source. Vote 17-0.

**HB 562-FN**, relative to accidental death benefits and college tuition benefits for the surviving spouse and children of certain deceased group II members. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: This bill was filed to provide the spouse and children of group II members who die as a result of natural and proximate injuries in the performance of their duty, death benefits and college tuition benefits. After the bill was filed, the sponsors found that these benefits would be provided by existing sources. The sponsors stated that the bill was not necessary. In accordance with house rules that all bills must be reported by the standing committee, the committee voted unanimously inexpedient to legislate. Vote 17-0.

**HB 131-FN**, allowing the state to recover from counties funds which are paid to owners after escheatment. OUGHT TO PASS

Rep. Charles W. Ferguson for Finance: This bill straightens out procedures as to the escheatment process, which should result in additional revenue to the state, and will not impact county revenues. Vote 19-0.

**HB 485-FN**, relative to the taxation of transfers of certain estates. OUGHT TO PASS

Rep. Marie C. Hawkinson for Finance: This bill allows the state of New Hampshire to assert its claim for the state portion of estate taxes due from an estate with property in New Hampshire and elsewhere. It updates in New Hampshire the federal estate tax provisions within the IRS code that allows a credit of state death taxes against the decedent's federal estate tax. Vote 15-0.

**HB 486-FN**, relative to lease agreements for state equipment. OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth L. Weyler for Finance: This bill allows the option of departments to centralize their borrowing for the purposes of leasing equipment. The treasurer, by offering tax-exempt income to the lending institution with the low bid on the master loan, hopes to make considerable saving in our lease financing. Vote 22-0.

**Amendment (1231L)**

Amend RSA 6:35 as inserted by section I of the bill by replacing it with the following:



6:35 State Leases. The treasurer, with the approval of the governor and council, may enter into leases of equipment on behalf of any state agency or department at the request of the state agency or department for a term not exceeding 10 years. For purposes of this section "leases" shall include lease-purchase, sale and lease back, installment sale or other similar agreements to acquire such equipment from time to time for various agencies or departments. Payment obligations under any lease entered into under this section shall be subject to annual appropriation and shall not be treated as debt obligations of the state. The treasurer may execute any related documents, including any document creating or confirming any security interest retained by the seller or lessor of the equipment.

### AMENDED ANALYSIS

This bill authorizes the state treasurer, with the approval of governor and council, to enter into leases of equipment on behalf of any state agency or department at the request of the state agency or department for a term not to exceed 10 years. Federal tax information returns for tax-exempt governmental obligations resulting from such leases must first be submitted to the state treasurer for review and execution.

This bill is a request of the state treasurer.

**HB 513-FN-L**, authorizing the department of justice to hire a special investigator to be funded through fees paid to the occupational regulatory boards and commissions. **OUGHT TO PASS**

Rep. Robert L. Wheeler for Finance: The majority of the committee felt that it was important to protect the integrity of our citizen boards and the allocation formula is appropriate. Vote 20-0.

**HB 544-FN-A-L**, providing for property tax relief and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Charles W. Ferguson for Finance: This bill provides a "circuit breaker" mechanism for property tax relief. Unlike previous formulas that directed state aid to property-poor communities, this one delivers help to individuals whose property taxes exceed 10 percent of their income. While the committee recognizes the desirability of such property tax relief, it also recognizes that it is unlikely that any state money will be available for this purpose during the next biennium. Should a pot of gold land on our doorstep though, we would seriously consider resurrecting this innovative approach to property tax relief. Vote 16-2.

**HB 559-FN-A**, relative to the distribution of the meals and rooms tax and establishing a committee to study the balance between the cost to communities of out-of-state industry and retail business operating in the community and the benefits to the community of such out-of-state industry and retail business as regards the meals and rooms tax. **INEXPEDIENT TO LEGISLATE**

Rep. Robert L. Wheeler for Finance: The committee felt that it was inappropriate to return state revenues to communities in the upper tier of taxable properties. Vote 24-0.

**HB 615-FN-A**, establishing a new statewide tax on land values to fund the division of mental health and developmental services and establishing a homestead exemption. **INEXPEDIENT TO LEGISLATE**

Rep. Paul I. LaMott for Finance: The committee concluded that a tax on land values would compound the existing problems with the property tax, and penalize rural property owners as well. Vote 24-0.

**HB 277**, establishing a committee to study the joint health council and the nurse practitioners act. **RE-REFER TO COMMITTEE**

Rep. Alphonse A. Haettenschwiller for Health, Human Services and Elderly Affairs: After extensive discussion by the committee, it was felt that the problems raised needed to be looked at in more detail. Vote 19-0.

**HB 364**, relative to parking privileges for persons with walking disabilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Alice S. Ziegler for Health, Human Services and Elderly Affairs: This bill is addressing some of the widespread abuse in the use of handicapped placards and license plates. The present law allows 24 hour parking. ADA addresses employee parking. Those who wish to shop or go

to the doctor have difficulties because of longer parking periods, some for residential purposes. Statewide the problems vary so the committee feels that with guidelines from the Governor's Council on Disabilities each locality could make appropriate hourly parking rules. Vote 17-0.

#### **Amendment (1216L)**

Amend the bill by replacing section 1 with the following:

1 Parking Privileges for Persons with Walking Disabilities. Amend RSA 265:74 to read as follows:

265:74 Parking Privileges for Persons with Walking Disability. Any motor vehicle carrying the special plates or hanging windshield placard issued to a person with a walking disability under RSA 261:88, or a similar license plate displaying the international accessibility symbol shall be allowed free parking in any city or town, including any state or municipal parking facility where a fee is charged[, for a continuous period of not more than 24 hours]. *Each city or town shall have the discretion to set the time periods using guidelines which shall be provided by the governor's commission on disability.* The free parking shall only be allowed if the person who qualifies for the special plates or hanging placard is being transported in the vehicle to or from the parking place. Parking places designated for persons with walking disabilities shall be utilized only if a person with a walking disability is being transported in the vehicle to or from the parking place.

#### **AMENDED ANALYSIS**

This bill would allow any city or town the discretion to limit free parking for persons with walking disabilities in any city or town or in any state or municipal parking facility where a fee is charged. The time limits shall be established using guidelines provided by the governor's commission on disability. Currently, a motor vehicle carrying a specially issued plate or hanging windshield placard is allowed free parking for up to 24 hours.

**HB 370**, extending the reporting date for the study requested of the Dartmouth Medical School concerning services for older adults under 1993, 358:5. **OUGHT TO PASS**

Rep. Eleanor H. Amidon for Health, Human Services and Elderly Affairs: Material already gathered concerning the problem of correctly assessing the number of elderly mentally ill currently accounted for in New Hampshire, as presented by the Dartmouth Medical School research team, also pointed out the need to create instruments to find the unknown number needing future services. Thus the request and approval of the report extension date. Vote 16-0.

**HB 397**, relative to hospital billing. **INEXPEDIENT TO LEGISLATE**

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: The committee felt there were many flaws in the bill relative to liability and to the bill's constitutionality. It would also have added an unnecessary burden to hospitals and nursing homes. Vote 16-0.

**HB 439**, relative to a patient's rights concerning billing for medical procedures. **INEXPEDIENT TO LEGISLATE**

Rep. Michael Morello for Health, Human Services and Elderly Affairs: This issue is addressed fully by RSA 151:12-a. This act requires the provider to provide an itemized statement to the patient within 30 days. HB 439 would duplicate RSA 151:12-a. Vote 17-0.

**HB 467**, allowing registered nurses employed by licensed home health care agencies to possess and administer certain noncontrolled prescription drugs under certain conditions. **OUGHT TO PASS**

Rep. Alphonse A. Haettenschwiler for Health, Human Services and Elderly Affairs: This legislation places in statute a common practice by home health agencies which was revealed during recent accreditation visits. No one spoke in opposition. Vote 16-0.

**HB 598-FN**, relative to the healthy kids act. **OUGHT TO PASS**

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: The private, non-profit Healthy Kids Corporation, established by the legislature in 1993, is making rapid progress with the pilot program for health coverage for uninsured children. The changes in this bill will allow the corporation to better tap the private sector for administrative and financial help and extended its life until 2000. The Dept. of Health & Human Services report there is no fiscal impact. Vote 18-0.

**HB 247-L**, permitting a municipality to apply for a court order to attach an individual's personal assets to satisfy a lien on property for nonpayment of property taxes under extraordinary circumstances. **INEXPEDIENT TO LEGISLATE**

Rep. Nick Hart for Judiciary and Family Law: The Department of Environmental Services already takes a priority lien on all involved property and personal assets. Other concerns were the matter of liens held by lending institutions. The committee has another bill in its possession covering this issue. Vote 13-0.

**HB 280**, establishing a study committee to examine the issue of defining "psychological abuse" as applied by the courts in cases involving children. **RE-REFER TO COMMITTEE**

Rep. Irene A. Pratt for Judiciary and Family Law: The significance of the subject matter of this bill was determined to require additional study by the committee before recommending legislation. Vote 13-0.

**HB 302-L**, transferring jurisdiction over the town of Troy from the Jaffrey-Peterborough District Court to the Keene District Court. **OUGHT TO PASS**

Rep. Nick Hart for Judiciary and Family Law: Officials in the municipalities involved requested the court jurisdiction changes contained in this bill. The District Court Administrative Judge Edwin Kelly also endorsed the proposed re-alignment. There was no opposition to the bill expressed during the public hearing and the committee believes the public will be better served with the changes. Vote 12-0.

**HB 366-L**, relative to hazardous waste on private property. **INEXPEDIENT TO LEGISLATE**

Rep. Donald F. McMahon for Judiciary and Family Law: This bill enables municipalities to have a lien upon the revenues and all real and personal property of persons who have not paid their real estate taxes for property that contains hazardous waste. The bill offers municipalities another way to collect real estate taxes, but provides no guarantee that the hazardous waste will then be cleaned up. The hazard continues to spread. Vote 18-0.

**HB 459-FN**, relative to service of civil process by private citizens. **INEXPEDIENT TO LEGISLATE**

Rep. Donald F. McMahon for Judiciary and Family Law: The original HB 459 would have allowed anyone over the age of 18 to serve notice of process in civil actions. An amendment would have allowed service by certified mail. The committee believes the current system, in which processes are served by the Sheriff's Department, is working adequately. Furthermore, there was testimony that having a uniformed officer serve process contributed to a safer community environment. Also, there was indication of a constitutional question relative to counties losing revenues that would have to be made up in property taxes. Vote 16-2.

**HB 465**, prohibiting a person who is a witness to an event or occurrence which such person knows or reasonably should know is a crime from accepting consideration for providing information regarding the event or occurrence. **INEXPEDIENT TO LEGISLATE**

Rep. Margaret D. Hallyburton for Judiciary and Family Law: The bill is intended to prohibit a crime witness from being paid for providing information to the media in advance of giving testimony. The committee felt that while the intent has validity, the bill implicates the constitutional freedom of speech and also that the bill's provisions may have unintended consequences. Vote 17-0.

**HB 577-FN**, altering the jurisdictional boundaries of the Northern Carroll County district court and the Plymouth-Lincoln district court. **OUGHT TO PASS WITH AMENDMENT**

Rep. David W. Hess for Judiciary and Family Law: This bill was unopposed in committee and will result in a more practical and economical division of law enforcement activities and judicial administration in the remote eastern and northeastern areas of the towns of Livermore and Waterville, particularly along the Kancamagus Highway. Vote 12-0.

#### **Amendment (1127L)**

Amend the bill by replacing sections 1 and 2 with the following:

1 District Court for Northern Carroll County. Amend RSA 502-A:1, X to read as follows:

**X. DISTRICT COURT FOR NORTHERN CARROLL COUNTY.** The district for northern Carroll county shall consist of the towns of Conway, Bartlett, Jackson, Eaton, Chatham, Hart's

Location, Albany, Madison and the unincorporated places of Hale's Location, Cutt's Grant, Hadley's Purchase, and *those portions of the towns of Waterville and Livermore within the watershed of the Saco River and its tributaries*. The district court for the district shall be located in Conway, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be the District Court for Northern Carroll County.

2 Plymouth-Lincoln District Court. Amend RSA 502-A:1, XXXI to read as follows:

XXXI. PLYMOUTH-LINCOLN DISTRICT. The Plymouth-Lincoln district shall consist of the towns of Plymouth, Bristol, Dorchester, Groton, Wentworth, Rumney, Ellsworth, Thornton, Campton, [Waterville] Ashland, Hebron, Holderness, Bridgewater, Alexandria, Lincoln, [and] Woodstock and *those portions of the towns of Livermore and Waterville not within the watershed of the Saco River and its tributaries*. The district court for the district shall be located in Plymouth, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Plymouth District Court.

**HB 604-FN-L**, abolishing the Pittsfield district court. OUGHT TO PASS WITH AMENDMENT

Rep. Janet G. Wall for Judiciary and Family Law: The initiative for this bill came from the Pittsfield police chief. The committee also is aware that inclusion of Pittsfield, Chichester, Epsom, and Barnstead in the Concord District Court is part of the overall state masterplan for redistricting district courts. This will make the court more cost-effective and will allow for more efficiency. In agreement with appropriate changes, Barnstead will now be allowed to conduct business in the Laconia District Court. The communities affected are all in agreement that this is the best solution. Vote 13-0.

#### Amendment (1168L)

Amend the bill by replacing all after the enacting clause with the following:

1 Concord District Court. Amend RSA 502-A:1, XII to read as follows:

XII. CONCORD DISTRICT. The Concord district shall consist of the city of Concord, and the towns of Loudon, Canterbury, Dunbarton, Bow, [and] Hopkinton, *Pittsfield, Chichester, and Epsom*. The district court for the district shall be located in Concord, holding sessions regularly there and elsewhere in the district as justice may require. The name of the court shall be Concord District Court.

2 Laconia District Court. Amend RSA 502-A:1, IX to read as follows:

IX. LACONIA DISTRICT. The Laconia district shall consist of the city of Laconia and the towns of Meredith, New Hampton, Gilford, Belmont, Alton, Gilmanton [and], Center Harbor and *Barnstead*. The district court for the district shall be located in Concord, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Laconia District Court.

3 Repeal. RSA 502-A: 1, XVII, relative to the Pittsfield District Court, is repealed.

4 Effective Date. This act shall take effect January 1, 1996.

#### AMENDED ANALYSIS

This bill abolishes the Pittsfield district court. The towns of Pittsfield, Chichester and Epsom become part of the Concord district court. The town of Barnstead becomes part of the Laconia district court.

**HB 287-L**, allowing towns and school districts to use the official ballot for any issue before the voters. INEXPEDIENT TO LEGISLATE

Rep. Betsey L. Patten for Municipal and County Government: The committee feels that HB 141 better addresses the issue of official ballot voting. It is more encompassing and enables the town and school districts to make more varied choices. The committee also feels that the implementation process is more workable in HB 141. Vote 16-1.

**HB 293-L**, allowing municipalities to expand the optional adjusted elderly exemption to exempt a percentage of the assessed value of property. INEXPEDIENT TO LEGISLATE

Rep. Katherine H. Metzger for Municipal and County Government: The committee intends to utilize HB 331 to address and recodify the RSA's dealing with elderly exemptions. Accordingly, the committee will consider the material in HBs 349, 293, 305, and 617 as part of the process. Vote 16-0.

**HB 294-L**, allowing municipalities to expand the optional adjusted elderly exemption to permit renters to qualify for the exemption. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas A. Behrens for Municipal and County Government: The policy of granting tax exemptions based on the qualifications of renters was unacceptable to the committee. Property tax exemptions are granted to the owner of the property depending on his particular qualifications. To expand this definition would set a very dangerous precedent. Vote 16-0.

**HB 305-L**, allowing municipalities to adopt an exemption from property taxes regardless of age and to adopt a freeze on property taxes for homeowners over 65. **INEXPEDIENT TO LEGISLATE**

Rep. Katherine H. Metzger for Municipal and County Government: The committee intends to utilize HB 331 to address and recodify the RSA's dealing with elderly exemptions. Accordingly, the committee will consider the material in HBs 349, 293, 395, and 617 as part of the process. Vote 16-0.

**HB 346**, requiring the Merrimack county commissioners to be elected on a rotating basis. **OUGHT TO PASS**

Rep. James R. MacKay for Municipal and County Government: This bill brings Merrimack County into congruence with several other counties which elect county commissioners on a rotating two and four year basis. The purpose is to guarantee continuity in the office of experienced commissioners. There was some confusion about whether or not other counties wished to be included, but no amendments were offered to the committee. Vote 17-0.

**HB 349-L**, requiring an annual cost of living adjustment for elderly exemptions to the property tax. **INEXPEDIENT TO LEGISLATE**

Rep. Katherine H. Metzger for Municipal and County Government: The committee intends to utilize HB 331 to address and recodify the RSA's dealing with elderly exemptions. Accordingly, the committee will consider the material in HBs 349, 293, 305, and 617 as part of the process. Vote 16-0.

**HB 399**, extending the term of the county sheriff from 2 to 4 years. **INEXPEDIENT TO LEGISLATE**

Rep. Katherine H. Metzger for Municipal and County Government: HB 340 includes electing sheriffs for a four-year term. Therefore, this bill was unnecessary. Vote 14-0.

**HB 617-L**, allowing municipalities to exclude civil service pensions from income limitations for the purposes of qualifying for elderly tax exemptions. **INEXPEDIENT TO LEGISLATE**

Rep. Katherine H. Metzger for Municipal and County Government: The committee intends to utilize HB 331 to address and recodify the RSA's dealing with elderly exemptions. Accordingly, the committee will consider the material in HB 349, 293, 305, and 617 as part of the process. Vote 15-0.

**HB 144**, allowing certain liquor licensees to conduct liquor tasting on licensed premises. **OUGHT TO PASS WITH AMENDMENT**

Rep. Frederick B. Andrews for Regulated Revenues: Testimony given included that the liquor commission was favorable to passage in order to give similar privileges to liquor vendors that are enjoyed by the wine venders. Vote 14-0.

#### **Amendment (1118L)**

Amend RSA 179:44 as inserted by section 1 of the bill by replacing it with the following:

179:44 Free Drinks. No licensee shall give away free drinks to customers, patrons, members or guests, in any manner. Notwithstanding the above, **liquor or** wine vendors, their liquor and wine representatives and on-sale and off-sale licensees may conduct **liquor or** wine tasting on licensed premises. **Liquor or** wine tasting shall be conducted only during such hours as are authorized by the commission for the sale of the product on the premises. Such **liquor or** wine samples shall be consumed on the premises, and **liquor or** wine for this purpose shall be purchased from the commission under conditions prescribed by this title. **The commission shall adopt rules, pursuant to RSA 541-A, establishing the criteria and procedures for liquor and wine tasting within the state.**

### AMENDED ANALYSIS

This bill allows liquor vendors and representatives and on-sale and off-sale licensees to conduct liquor tasting, in addition to wine tasting, on licensed premises. The bill grants the liquor commission rulemaking authority with regard to wine and liquor tasting.

**HB 400**, allowing liquor licenses to be issued to limited liability companies. **OUGHT TO PASS**

Rep. David M. Lawton for Regulated Revenues: Limited liability companies were authorized to transact business in New Hampshire on July 1, 1993. Presently, only proprietorships, partnerships or corporations are allowed to hold liquor license. This bill was introduced for the liquor commission to allow liquor licenses to be granted to limited liability companies. Therefore, the committee voted ought to pass. Vote 14-0.

**HB 456**, requiring governor and council approval for certain lease or concession contracts on state forests and reservations. **OUGHT TO PASS**

Rep. Thomas J. Kirby for Resources, Recreation and Development: The objective of HB 456 is to provide a suitable ceiling on leasing agreements for privileges and concessions on state forests and reservations before Governor and Council approval is required. The 4-H Foundation exemption is continued. This adjustment was requested by the Department of Resources and Economic Development. This change will be revisited in the committee consideration of HB 630 to recodify the forestry laws. Vote 14-0.

**HB 457**, relative to access to public waters through public lands for the purpose of sport fishing. **RE-REFER TO COMMITTEE**

Rep. Deborah F. Merritt for Resources, Recreation and Development: The committee strongly suggests the implementation of a local solution to a local problem in Portsmouth. The closure of municipally owned lands due to safety issues that has adversely affected the ability of sportsfishermen to fish in state waters. The committee will monitor the discussion among sportsfishermen, the City of Portsmouth and Fish and Game, and will recommend appropriate legislation, if necessary, next year. Vote 17-0.

**HB 495-FN**, relative to the oil discharge and disposal cleanup fund and the fuel oil discharge cleanup fund and related fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael D. Whalley for Resources, Recreation and Development: HB 495-FN changes the definition of bulk storage facility by eliminating the requirement that storage tanks be above ground and greater than 1,100 gallon capacity. This bill also increases the oil import fee \$.004 per gallon which is deposited in the oil discharge and disposal cleanup fund and extends the life of the fund to January 1, 2005 from January 1, 2000. The bill also extends the registration deadline for existing gasoline and diesel bulk storage facilities, extends the registration deadline for existing fuel oil bulk storage facilities and changes the guidelines for reimbursement for owners of eligible facilities by deeming that the fund shall be excess insurance over any other valid and collectible insurance for the cost of cleanup and damages to third parties. Vote 14-0.

### Amendment (1203L)

Amend the bill by replacing sections 8-9 with the following:

8 Date Changed. Amend 1993, 294:1 to read as follows:

294:1 Funds Transferred to Oil Pollution Control Fund. The oil discharge and disposal cleanup fund established in RSA 146-D:3, I shall lapse on January 1, [2000] **2005**. Any moneys remaining in the fund at that time shall be transferred to the oil pollution control fund established in RSA 146-A:11-a.

9 Effective Date of Repeal Changed. Amend 1988, 271:11, I as amended by 1993, 294:14 to read as follows:

I. Paragraphs VIII and IX of section 9 of this act shall take effect January 1, [2000] **2005**. Referred to Finance.

**HB 581-FN**, authorizing the department of environmental services, division of water resources, to acquire certain dams. **OUGHT TO PASS WITH AMENDMENT**

Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development: As amended, the bill provides for the state acquisition and repair of the Waumbek and Rowe Dams in the town

of Milton Mills. These dams were the subject of an interim study in the last session. This bill resulted from that review and has the support of the Legislative Dam Management Review Committee. The amendment only makes the bill effective upon passage so that the work can begin as soon as possible. Vote 15-0.

#### **Amendment (1210L)**

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

Referred to Finance.

**HJR 2**, urging the members of the New Hampshire legislature to consider and support the recommendations of the Northern Forest Lands Council Study Committee. OUGHT TO PASS WITH AMENDMENT

Rep. Paula E. Bradley for Resources, Recreation and Development: This resolution, as amended, brings the recommendations of the Northern Forest Lands Council (NFLC) to the Legislature and urges consideration and support. The resolution is the work of the NFLC recommendations study committee, created by the New Hampshire Legislature in 1994. It encourages the various state agencies, whose responsibility it is to act upon those recommendations, to implement them. The resolution also urges the state of New Hampshire to reinforce the traditional patterns of land ownership and use of its great resource—its forests. Vote 13-0.

#### **Amendment (1102L)**

Amend the resolution by replacing all after the title with the following:

Whereas, the northern forest lands council study committee was created in 1994, 258 to review the recommendations of the Northern Forest Lands Council and to suggest appropriate action, including any recommendations for legislation; and

Whereas, New Hampshire should continue to support funding for easement programs with a combination of public and private funding, when financial resources are available; and

Whereas, state forestry and economic development agencies should encourage and cooperate with emerging private green certification programs that recognize landowners who practice sustainable forest management; and

Whereas, New Hampshire has a very strong current use taxation program and should continue in monitoring current use issues; and

Whereas, the state of New Hampshire should endorse the principles of sustainability by supporting the formulation of a set of recommended, voluntary forest practice standards which should be approved by the forest roundtable and provide for the distribution of these standards to the appropriate organizations; and

Whereas, the director of the division of forests and lands, department of resources and economic development should be encouraged to assess the impact of existing forest practices beginning in 1996 and every 5 years thereafter; and

Whereas, the division of forest and lands should establish goals needed to maintain sustainability, and establish benchmarks by which sustainability can be measured; and

Whereas, sufficient funds should be set aside to provide for the maintenance and management of land acquired by the state, giving consideration to providing funds for the offset of local property taxes and holding towns and cities harmless for the loss of property tax revenues resulting from the public acquisition of land; and

Whereas, the directors of the office of state planning and the division of forests and lands should be encouraged to refine state and local land acquisition planning efforts; and

Whereas, if the state were to acquire land in the future that the state should also provide the resources necessary to maintain the land; and

Whereas, the state should be encouraged to employ a variety of conservation tools in addition to fee acquisition to conserve working landscapes and public values, which should include funding a staff position in the division of forests and lands; and

Whereas, the department of environmental services should be required to assess and improve the water quality of the state's bodies of water by inventorying nonpoint pollution sources, establish benchmarks for water quality, analyzing trends in water quality and reviewing the state laws as necessary to enhance and maintain water quality; and

Whereas, a coordinated effort should be undertaken to define, assess, and maintain biodiversity in the state by endorsing and adequately funding the New Hampshire Natural Heritage Inventory; and

Whereas, the department of resources and economic development should be encouraged to support primary and secondary wood product firms by fostering the enhancement or establishment of marketing cooperatives and networks; and

Whereas, a policy should be established to protect the rights of private landowners who make their land available for public recreational use; and

Whereas, incentives should be developed to improve work place safety by encouraging private industry to commence voluntary logger certification and safety awareness programs; and

Whereas, the New Hampshire Agricultural Experiment Station at the University of New Hampshire should be encouraged to update the existing studies relative to land conversion trends with the goal of including statewide information in future reports; and

Whereas, all state agencies with tourism shall encourage and establish natural resource educational activities for the public; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That the general court of New Hampshire hereby urges that the recommendations of the Northern Forests Land Council recommendations study committee be implemented by the respective state agencies and that the state of New Hampshire reinforce rather than replace the patterns of ownership and land use that have characterized these lands for decades; and

That copies of this resolution, signed by the president of the senate and the speaker of the house, be forwarded by the house clerk to the governor, and to each member of the New Hampshire Congressional delegation.

**HB 249**, requiring cable operators which offer HBO and Cinemax to provide the HBO/Cinemax guide book in larger type for the visually impaired and to adequately describe movies. **INEXPEDIENT TO LEGISLATE**

Rep. John Thomas for Science, Technology and Energy: The committee is sensitive to the needs of the visually impaired and will write a position letter to HBO and Cinemax requesting that they respond to the inquiries of the visually impaired. New England Cable TV Association is working with the NH Disabilities Council on distribution of the Fresnel lens to those HBO/Cinemax subscribers who have difficulties reading the relevant publications. Cable operators have no control over nationally published and distributed literature and limitation of the content of those publications in New Hampshire would be contrary to the First Amendment. Therefore, the committee voted inexpedient to legislate. Vote 17-0.

**HB 250**, relative to access by municipalities to automatic number identification/automatic location identification information in the enhanced 911 data base. **INEXPEDIENT TO LEGISLATE**

Rep. John H. Thomas for Science, Technology and Energy: Due to the lack of support, confidentiality issues, the cost involved and the fact that future technologies will address the issue, the committee recommends inexpedient to legislate. Vote 12-0.

**HB 154-FN**, relative to driver license application searches and establishing a fee. **OUGHT TO PASS WITH AMENDMENT**

Rep. Henry P. Mock for Transportation: After considerable study and revision by the committee, this bill addresses the problem of transporting salvage vehicles to an authorized salvage inspection location. It further authorizes the Director of Motor Vehicles to establish the procedures for the implementation of the Problem Driver Pointer System and to charge a \$10 fee. In addition, the director may approve automotive safety equipment based upon standards of the Automotive Manufacturer's Equipment Compliance Agency. Vote 12-0.

### **Amendment (1181L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to temporary registrations, approval of certain vehicle equipment  
and driver license application searches and establishing a fee.

Amend the bill by replacing all after the enacting clause with the following:



1 New Subparagraph; Problem Driver Pointer System Search. Amend RSA 21-P:14, IV by inserting after subparagraph (s) the following new subparagraph:

(t) Procedures for conducting the problem driver pointer system search, including forms and procedures to be used in conducting a problem driver pointer search as initiated by an employer.

2 New Paragraph; Issuance of Twenty-Day Registration. Amend RSA 261:57 to read as follows:  
261:57 Twenty-Day Registration.

*I.* Any resident of this state who intends to purchase a vehicle in another state or from another person or who is unable to register a vehicle because of limited hours of operation of the town clerk in the town where the person resides may apply to the division or its substation or authorized agent nearest his residence for a registration to drive said vehicle on the ways of the state in an unregistered condition. Said resident shall appear in person at the division or substation to obtain such registration and shall sign under penalty of perjury a statement that the vehicle meets all New Hampshire inspection requirements, and in the case of a person seeking an extension of his registration, that he was unable to register the vehicle because of the limited hours of the town clerk, before said registration may be issued. Said registration shall be valid for 20 days from the time it is issued. Application blanks and permits in the form prescribed by the director shall be designed, printed, and supplied to the substations by the division. The fee for the issuance of a registration shall be \$10. It shall be unlawful for any person to drive a vehicle on the ways of the state under a registration issued pursuant to this section unless said person has in his possession a valid bill of sale for the vehicle he is driving, or in the case of a person whose registration is extended, a copy of the form indicating he was unable to register because of the limited hours of the town clerk. No person shall make application for a 20-day registration on the same vehicle more than once within a 12-month period. Only one 20-day registration shall be issued during any one calendar year for a vehicle.

*II. Notwithstanding the provisions of RSA 261:22, a 20-day registration may be issued to a resident to transport a repaired vehicle to an authorized salvage inspection location.*

3 Driver Check Through Problem Driver Pointer System. Amend RSA 263:5-a, V to read as follows:

V. [In the event that a national driver record repository is established the] *The* director may satisfy the requirements of subparagraph I(b) by obtaining the applicant's record from the *National Driver Record* repository, *or by checking the applicant's record through the problem driver pointer system.*

4 New Paragraph; Fee for Search of Problem Driver Pointer System Added. Amend RSA 263:42 by inserting after paragraph VII the following new paragraph:

VIII. For each search of the problem driver pointer system initiated by any person or entity, except for any governmental entity, \$10. The commissioner may waive the fee in individual cases if the commissioner determines that such a waiver is in the public interest.

5 References Changed. Amend RSA 266:32 to read as follows:

266:32 Approval of Lighting and Safety Equipment.

I. The director is hereby required to approve any lighting device, windshield, window glass or substitute, or other safety equipment, components or assemblies of a type for which approval is specifically required within a reasonable time after such approval has been requested. Such approvals may be based upon certificates of approval and test reports furnished to the director by the [American Association of Motor Vehicle Administrators] *Automotive Manufacturer's Equipment Compliance Agency*. The director shall not approve after market tinting on the windshield or on the windows to the left and right of the driver, as prohibited under RSA 266:58-a.

II. The director is authorized to establish the procedure to be followed when requests for approval of any lighting device or other safety equipment, component or assembly is submitted under this section. Such procedure may provide for submission of such device, component or assembly to the [American Association of Motor Vehicle Administrators] *Automotive Manufacturer's Equipment Compliance Agency* in lieu of submission of such device, component or assembly to the director.

III. The director shall maintain and publish lists of all such devices, components or assemblies which have been approved by [him] *the director* or under the authority contained in this section.

6 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill:

(1) Allows the director of the division of motor vehicles to secure a copy of the motor vehicle record of a person applying for a license either through the national driver record repository or through the problem driver pointer system.

(2) Allows the director to collect a \$10 fee for each search of the problem driver pointer system.

(3) Authorizes the commissioner of safety to adopt rules relative to the procedure for conducting the problem driver pointer system and any necessary forms.

Referred to Finance.

**HB 441**, relative to the headway speed in tidal and non-tidal waters. **OUGHT TO PASS**

Rep. George N. Katsakiores for Transportation: This bill clarifies the term "headway speed" as defined in current statutes dealing with boat operations in tidal and non-tidal waters. "Headway speed" means six miles per hour or the slowest speed that can still maintain steerage way. Vote 12-0.

**HB 575-FN-L**, requiring certificates of title for vessels. **RE-REFER TO COMMITTEE**

Rep. Henry P. Mock for Transportation: The committee voted unanimously to re-refer this bill to address some important issues relative titling boats as well as to allow the Department of Safety an opportunity to prepare for undertaking the tasks associated with its implementation, if it were to become law. Vote 12-0.

**HB 637-L**, relative to a local option fee for public transportation. **INEXPEDIENT TO LEGISLATE**

Rep. Steven J. Connolly for Transportation: This bill creates an increased regulation fee upon automobile owners for non-highway purposes. Federal and state programs dealing with mass transportation already exist. This bill, if passed, may be in conflict with article 6-a (Part II) of the New Hampshire Constitution and it is unclear whether this bill would be valuable to long-term transportation programs and objectives. Vote 12-0.

## REGULAR CALENDAR

**HB 178-FN**, allowing persons to purchase protective insurance against the cost of a search and rescue. **INEXPEDIENT TO LEGISLATE**

Rep. Warren C. Henderson for Commerce, Small Business, Consumer Affairs and Economic Development: The bill implies that "search and rescue insurance" will be sold to interested parties when, in fact, what is contemplated is a simple \$3.00 fee rather than insurance. Further, no practical mechanism exists to offer such a fee to casual users of state forests and other wilderness areas, such as hikers and cross-country skiers. In addition, the committee took testimony from individuals active in volunteer search and rescues who expressed concern that creating an impression of obligation to perform rescues would compromise their volunteer status and immunity from liability. Vote 15-0.

Adopted.

**HB 199**, relative to telephone solicitation. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory G. Carson for Commerce, Small Business, Consumer Affairs and Economic Development: While this bill was intended to model similar Florida legislation, it does not include provisions for consumers to pay to be on a "no-call" list as required by the Florida legislation. Further, this bill only addresses telephone solicitation calls originating within New Hampshire borders. It does not address the majority of these calls which, in fact, originate outside of New Hampshire; a matter currently being addressed by the FCC. Vote 16-0.

Adopted.

**HB 315-FN**, relative to the low and moderate income housing loan program. **OUGHT TO PASS**

Rep. Richard H. Krueger for Commerce, Small Business, Consumer Affairs and Economic Development: This bill revises the low and moderate income housing loan program administered by the Housing Finance Authority. These changes are a result of past experience and dis-

cussions with banks and realtors who make the loans using these funds. The authority has properly responded to the market forces in meeting the needs of the low and moderate income borrower. Vote 16-0.

Adopted and ordered to third reading.

**CACR 1**, relating to the governor's veto power. Providing that the governor shall have line item reduction and line item veto power of items in any bill making appropriations of money. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Randall F. Shaw for the Majority of Constitutional and Statutory Revision: This CACR affords the Governor line-item reduction and line-item veto power of any items in any bill which makes money appropriations. The majority believes that the line-item veto would make the budget process more open and accountable to the citizens of New Hampshire. The bill lets the citizens of New Hampshire decide, by referendum, this important issue. Vote 10-8.

Reps. Paula L. Philbrook, Betsy A. Coes, C. Donald Stritch, Carl S. Adams, Jack B. Willis, Charles W. Chandler for the minority of Constitutional and Statutory Revision: The minority believes that the delicate balance between the Executive and Legislative branches would be compromised by the passage of this CACR. The foundation of our government is strengthened by the checks and balances of the three branches which were carefully and thoughtfully structured by our forefathers. This CACR would give the Governor blanket authority to reduce and/or veto any bill making an appropriation. This type of veto would alter the legislative process and nullify the public debate that the 424 members of the Legislative branch encourage for each and every bill. The Governor has a powerful voice in that process which is supported by the current veto power. There is no need to convert that voice into an arm that may reach out and subject that process to raw political power with the potential for abuse. The possibility that one person may have a disproportionate amount of power without the requisite public debate is something the minority feels is unnecessary.

### MOTION TO LIMIT DEBATE

Rep. Dickinson moved that debate be limited to 30 minutes, equally divided, not including questions.

Rep. Dickinson spoke in favor.

Rep. Cole spoke against and yielded to questions.

Rep. Gorman spoke against.

Rep. Donna Sytek requested a roll call; sufficiently seconded. The question being to limit debate.

### YEAS 164 - NAYS 187

#### YEAS 164

#### BELKNAP

Boriso, Thomas	Golden, Paul	Lawton, David	Rice, Thomas, Jr.
Thomas, John	Wendelboe, Francine		

#### CARROLL

Cooper, Kipp	Dickinson, Howard, Jr.	Kenney, Joseph	Patten, Betsey
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#### CHESHIRE

Feuer, Joseph	Hunt, John	Kingsbury, H. Thayer	Laurent, John
Lynch, Margaret	McGuirk, Paul	Richardson, Barbara	Riley, William
Robertson, Timothy	Russell, Ronald	Wollner, Robert	

#### COOS

Coulombe, Henry	Coulombe, Yvonne	Mears, Edgar
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#### GRAFTON

Below, Clifton	Connolly, Steven	Eaton, Stephanie	Hill, Richard
MacNeil, Allen	Trelfa, Richard	Tucker, John	Williams, William, Jr.

**HILLSBOROUGH**

Andrews, Frederick  
 Burke, M. Virginia  
 Daniels, Gary  
 Emerton, Lawrence, Sr.  
 Goulet, Maurice  
 Hunter, Bruce  
 Kane, Laura  
 Luebker, Bernard  
 McMahon, Donald  
 O'Hearn, Jane  
 Sargent, Maxwell  
 Thulander, O. Alan  
 Wheeler, Craig

Barry, Janet  
 Cepaitis, Elizabeth  
 Desmarais, Vivian  
 Feng, David  
 Haettenschwiller, Alphonse  
 Hussey, Mary  
 Laughlin, J. Francis  
 MacGillivray, Jeffrey  
 Melcher, Harold  
 Peters, Stanley  
 Soucy, Richard  
 Toomey, Kathryn  
 White, Donald

Boutin, David  
 Champagne, Norma  
 Dodge, Emma  
 Francoeur, Gary  
 Hallyburton, Margaret  
 Jean, Claudette  
 Legacy, Earl  
 MacIntyre, Doris  
 Milligan, Robert  
 Philbrook, Paula  
 Sullens, Joan  
 Turgeon, Roland

Bridgewater, Charles  
 Cote, Peter  
 Dykstra, Leona  
 Gotham, Rita  
 Holt, David  
 Johnson, Lionel  
 Letendre, Evelyn  
 McCarthy, William  
 Moncrief, Keith  
 Riley, Frances  
 Taylor, Paul  
 Wells, Peter, Sr.

**MERRIMACK**

Adams, Stephen  
 DeStefano, Stephen  
 Lamach, Bernard  
 Moore, Carol  
 Shaw, Randall  
 Whittemore, James

Chandler, Charles  
 Feuerstein, Martin  
 Langer, Ray  
 Newland, Matthew  
 Varsalone, Robert  
 Yeaton, Charles

Coughlin, Anne  
 Fraser, Marilyn  
 Little, Michael  
 Patenaude, Amy  
 Warner, Richard

Crosby, Toni  
 Holmes, Mary  
 MacKay, James  
 Pitman, Mary Ellen  
 Whalley, Michael

**ROCKINGHAM**

Arndt, Janet  
 Bishop, Franklin  
 Conroy, Janet  
 Fesh, Robert  
 Hutchinson, Karen  
 Langley, Jane  
 McKinney, Betsy  
 Packard, Sherman  
 Scanlon, Edward  
 Weyler, Kenneth

Attar, Kevin  
 Boucher, William  
 Dodge, Robert  
 Flanagan, Natalie  
 Johnson, Robert  
 Lupien, James  
 Moore, Benjamin  
 Raynowska, Bernard  
 Stone, Joseph  
 Yennaco, Carol

Battles, Marjorie  
 Clark, Vivian  
 Dube, LeRoy  
 Gargiulo, Louis  
 Kelley, Jane  
 Malcolm, Ken  
 Morris, Debbie  
 Ross, James  
 Stritch, C. Donald

Beaulieu, Jon  
 Coes, Betsy  
 Felch, Charles, Sr.  
 Hawkins, Robert  
 Kruse, Fred  
 McGovern, Cynthia  
 Noyes, Richard  
 Rubin, George  
 Syracuse, Anthony

**STRAFFORD**

Brown, George  
 DeChane, Marlene  
 Loder, Suzanne  
 Snyder, Clair

Brown, Julie  
 Grassie, Anne  
 Lundborn, Raymond  
 Torr, Ralph

Callaghan, Frank  
 Hambrick, Patricia  
 McKinley, Robert  
 Vincent, Francis

Chagnon, Ronald  
 Knowles, William  
 Musler, George

**SULLIVAN**

Alder, Rudolf  
 Scott, Robert

Allison, David  
 Stettenheim, Sandy

Cloutier, John  
 Whipple, Allen

Krueger, Richard

**NAYS 187****BELKNAP**

Cain, Thomas  
 Laflam, Robert  
 Turner, Robert

Holbrook, Robert  
 Lawton, Robert  
 Ziegler, Alice

Hurt, George  
 Rosen, Ralph

Johnson, James  
 Smith, Linda

**CARROLL**

Babson, David, Jr.  
 Foster, Robert

Beach, Mildred  
 Howard, Godfrey

Bradley, Jeb  
 Lyman, L. Randy

Chandler, Gene  
 Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
 DePecol, Benjamin  
 Steere, Myron, III

Burnham, Daniel  
 Metzger, Katherine

Champagne, Richard  
 Pratt, Irene

Cole, Stacey  
 Smith, Edwin

**COOS**

Bradley, Paula  
Horton, Lynn  
St. Hilaire, Paul

Davis, Perley  
Mayhew, Josephine

Guay, Lawrence  
Merrill, Gerald

Hawkinson, Marie  
Pratt, Leighton

**GRAFTON**

Adams, Carl  
Chase, Paul, Jr.  
Larson, Nils, Jr.  
Phinney, William

Bean, Pamela  
Cobbins, Philip  
Lovett, Sidney  
Scanlan, David

Brown, Alson  
Crory, Elizabeth  
Mirski, Paul  
Teschner, Douglass

Brown, Channing  
Guest, Robert  
Nordgren, Sharon

**HILLSBOROUGH**

Ahern, Richard  
Amidon, Eleanor  
Bergeron, Normand  
Clegg, Robert, Jr.  
Dwyer, Paul, Sr.  
Fields, Dennis  
Gibson, John  
Holden, Carol  
Krochmal, Mark  
Lozeau, Donnalee  
Messier, Irene  
Pappas, Marc  
Sallada, Roland  
Streeter, Janice

Aksten, Cheryl  
Arnold, Thomas, Jr.  
Buckley, Raymond  
Cote, David  
Dyer, Merton  
Foster, Linda  
Hall, Betty  
Holley, Sylvia  
L'Heureux, Robert  
Marcinkowski, Michael  
Mittelman, David  
Pepino, Leo  
Searles, Stanley, Sr.  
Wheeler, Robert

Allen, W. Gordon  
Asselin, Robert  
Calawa, Leon, Jr.  
Desrosiers, William  
Fenton, James  
Franks, Suzan  
Hart, Nick  
Kelley, Robert  
LaRose, Richard  
McCarty, Winston  
O'Rourke, Joanne  
Perkins, Paul  
Showerman, Peter  
White, John

Alukonis, David  
Belvin, William  
Chabot, Robert  
Durham, Susan  
Ferguson, Charles  
Gagnon, Eugene  
Herman, Keith  
Kirby, Thomas  
Lefebvre, Roland  
McRae, Karen  
Packard, Bonnie  
Reidy, Frank  
Soucy, Donna  
Wright, George

**MERRIMACK**

Barberia, Richard  
Chandler, John  
Hess, David  
Morrill, Olive  
Rogers, Katherine

Brown, Mary  
Crowell, Peter  
Jacobson, Alf  
Nichols, Avis  
Trombly, Rick

Buessing, Marjorie  
Daneault, Gabriel  
Kennedy, Richard  
Owen, Derek  
Wallner, Mary Jane

Chandler, Earle  
Dunn, Miriam  
Lockwood, Robert  
Pfaff, Terence  
Willis, Jack

**ROCKINGHAM**

Abbott, Dennis  
Carson, Gregory  
Dowling, Patricia  
Gage, Beverly  
Henderson, Warren  
Katsakiores, Phyllis  
McCarthy, John, Jr.  
Putnam, Ed, II  
Splaine, James  
Weare, Everett

Aranda, M. Kathryn  
Case, Margaret  
Dunham, Vivian  
Gleason, John  
Hurst, Sharleene  
Klemm, Arthur, Jr.  
Nowe, Ronald  
Sabella, Norma  
Sytek, Donna  
Welch, David

Belanger, Ronald  
Dolan, Richard  
Flanders, David  
Goddard, Warren  
Kane, Cecelia  
Kobel, Rudolph  
Pantelakos, Laura  
Simmons, John Anthony  
Sytek, John

Camm, Kevin  
Dowd, Sandra  
Flanders, John, Sr.  
Gorman, Donald  
Katsakiores, George  
Magoon, Harold  
Pratt, Katharin  
Smith, Arthur  
Vaughn, Charles

**STRAFFORD**

Berube, Roger  
Keans, Sandra  
Reynolds, Charles  
Tessimond, Shane  
Wasson, Richard

Douglass, Clyde  
McCann, William, Jr.  
Spear, Barbara  
Torr, Ann  
Wheeler, Katherine

Dunlap, Patricia  
Merrill, Amanda  
Steadman, Frederick  
Torr, Franklin  
Williams, Howard

Hemon, Roland  
Merritt, Deborah  
Sullivan, Henry  
Wall, Janet

**SULLIVAN**

Behrens, Thomas

Lindblade, Eric

Schotanus, Merle

and the motion failed.

Rep. Dickinson offered a floor amendment.

### **Floor Amendment (1296L)**

Amend the title of the resolution by replacing it with the following:

Relating to the governor's veto power.

Providing that the governor shall have line item reduction  
and line item veto power of items in budget bills.

Amend the bill by replacing paragraph I with the following:

I. That part second of the constitution be amended by inserting after article 44 the following new article:

[Art.] 44-a. [Line Item Veto to Appropriations Bills.] The governor shall have the power to disapprove any item or items in whole or in part in the operating budget, capital budget, supplemental budget, or companion bill to the operating budget. The part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless overridden on an item-by-item basis by a majority vote of the general court.

Amend the bill by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

Are you in favor of amending the Constitution to provide the governor with line item reduction and line item veto power of items in the operating budget, capital budget, supplemental budget, or companion bill to the operating budget, unless overridden on an item-by-item basis by a majority vote of the general court?

### **AMENDED ANALYSIS**

This constitutional amendment-concurrent resolution affords the governor line item reduction and line item veto power of any items in the operating budget, capital budget, supplemental budget, or companion bill to the operating budget.

Reps. Cobbin, Whalley and Dickinson spoke in favor and yielded to questions.

Reps. Putnam and Donna Sytek spoke against.

Rep. Pepino spoke in favor.

Reps. Jacobson, Channing Brown, David Scanlan and Ann Torr spoke against and yielded to questions.

Rep. Dickinson requested a roll call; sufficiently seconded. The question being the adoption of the floor amendment.

### **YEAS 103 - NAYS 258**

#### **YEAS 103**

#### **BELKNAP**

Dewhirst, Glenn  
Lawton, David

Golden, Paul  
Rosen, Ralph

Hurt, George  
Thomas, John

Laflam, Robert

#### **CARROLL**

Bradley, Jeb  
Mock, Henry

Cooper, Kipp  
Patten, Betsey

Dickinson, Howard, Jr.

Lyman, L. Randy

#### **CHESHIRE**

Feuer, Joseph

Robertson, Timothy

#### **COOS**

None

#### **GRAFTON**

Below, Clifton  
Mirski, Paul

Chase, Paul, Jr.  
Tucker, John

Cobbin, Philip  
Williams, William, Jr.

LaMott, Paul

#### **HILLSBOROUGH**

Andrews, Frederick  
Dykstra, Leona

Arnold, Thomas, Jr.  
Feng, David

Barry, Janet  
Fenton, James

Champagne, Norma  
Goulet, Maurice

Hallyburton, Margaret  
Hunter, Bruce  
LaRose, Richard  
MacIntyre, Doris  
Riley, Frances  
Turgeon, Roland

Healy, Daniel  
Jean, Loren  
Lefebvre, Roland  
Milligan, Robert  
Sallada, Roland  
Wells, Peter, Sr.

Holley, Sylvia  
Kane, Laura  
Legacy, Earl  
Moncrief, Keith  
Soucy, Richard  
White, Donald

Holt, David  
Krochmal, Mark  
Luebker, Bernard  
Pepino, Leo  
Taylor, Paul

### MERRIMACK

Adams, Stephen  
DeStefano, Stephen  
Newland, Matthew  
Pitman, Mary Ellen  
Whittemore, James

Barberia, Richard  
Kennedy, Richard  
Nichols, Avis  
Shaw, Randall

Chandler, John  
Langer, Ray  
Owen, Derek  
Warner, Richard

Daneault, Gabriel  
Little, Michael  
Patenaude, Amy  
Whalley, Michael

### ROCKINGHAM

Arndt, Janet  
Dodge, Robert  
Flanders, David  
Hawkins, Robert  
Lupien, James  
Packard, Sherman

Beaulieu, Jon  
Dube, LeRoy  
Gargiulo, Louis  
Hutchinson, Karen  
Malcolm, Ken  
Rubin, George

Boucher, William  
Felch, Charles, Sr.  
Goddard, Warren  
Kruise, Fred  
Moore, Benjamin  
Smith, Arthur

Conroy, Janet  
Flanagan, Natalie  
Gorman, Donald  
Langley, Jane  
Morris, Debbie  
Yennaco, Carol

### STRAFFORD

Hanlon, Mark  
Wasson, Richard

McKinley, Robert

Reynolds, Charles

Torr, Ralph

### SULLIVAN

Adler, Rudolf

Cloutier, John

Scott, Robert

Whipple, Allen

### NAYS 258

### BELKNAP

Boriso, Thomas  
Lawton, Robert  
Wendelboe, Francine

Cain, Thomas  
Rice, Thomas, Jr.  
Ziegler, Alice

Holbrook, Robert  
Smith, Linda

Johnson, James  
Turner, Robert

### CARROLL

Babson, David, Jr.  
Howard, Godfrey

Beach, Mildred  
Kenney, Joseph

Chandler, Gene  
Philbrick, Donald

Foster, Robert

### CHESHIRE

Avery, Stephen  
DePecol, Benjamin  
Lynch, Margaret  
Richardson, Barbara  
Steere, Myron, III

Burnham, Daniel  
Hunt, John  
McGuirk, Paul  
Riley, William  
Wollner, Robert

Champagne, Richard  
Kingsbury, H. Thayer  
Metzger, Katherine  
Russell, Ronald

Cole, Stacey  
Laurent, John  
Pratt, Irene  
Smith, Edwin

### COOS

Bradley, Paula  
Guay, Lawrence  
Mears, Edgar

Coulombe, Henry  
Hawkinson, Marie  
Merrill, Gerald

Coulombe, Yvonne  
Horton, Lynn  
Pratt, Leighton

Davis, Perley  
Mayhew, Josephine  
St. Hilaire, Paul

### GRAFTON

Adams, Carl  
Connolly, Steven  
Hill, Richard  
Nordgren, Sharon  
Trelfa, Richard

Bean, Pamela  
Crory, Elizabeth  
Larson, Nils, Jr.  
Phinney, William

Brown, Alson  
Eaton, Stephanie  
Lovett, Sidney  
Scanlan, David

Brown, Channing  
Guest, Robert  
MacNeil, Allen  
Teschner, Douglass

**HILLSBOROUGH**

Ahern, Richard	Aksten, Cheryl	Allen, W. Gordon	Alukonis, David
Amidon, Eleanor	Asselin, Robert	Baroody, Benjamin	Belvin, William
Bergeron, Normand	Boutin, David	Bridgewater, Charles	Buckley, Raymond
Burke, M. Virginia	Calawa, Leon, Jr.	Cepaitis, Elizabeth	Chabot, Robert
Clegg, Robert, Jr.	Cote, David	Cote, Peter	Daniels, Gary
Desmarais, Vivian	Desrosiers, William	Dodge, Emma	Dokmo, Cynthia
Durham, Susan	Dwyer, Paul, Sr.	Dyer, Merton	Emerton, Lawrence, Sr.
Ferguson, Charles	Fields, Dennis	Foster, Linda	Francœur, Gary
Franks, Suzan	Gagnon, Eugene	Gibson, John	Gotham, Rita
Haettenschwiller, Alphonse	Hall, Betty	Hart, Nick	Herman, Keith
Holden, Carol	Hussey, Mary	Jean, Claudette	Johnson, Lionel
Kelley, Robert	Kirby, Thomas	Kurk, Neal	L'Heureux, Robert
Laughlin, J. Francis	Letendre, Evelyn	Lozeau, Donnalee	MacGillivray, Jeffrey
Marcinkowski, Michael	Martin, Mary	McCarthy, William	McCarty, Winston
McMahon, Donald	McRae, Karen	Melcher, Harold	Mercer, Robert
Messier, Irene	Mittelman, David	O'Hearn, Jane	O'Rourke, Joanne
Packard, Bonnie	Pappas, Marc	Perkins, Paul	Peters, Stanley
Philbrook, Paula	Reidy, Frank	Sargent, Maxwell	Searles, Stanley, Sr.
Showerman, Peter	Soucy, Donna	Streeter, Janice	Sullens, Joan
Thulander, O. Alan	Toomey, Kathryn	Wheeler, Craig	Wheeler, Robert
White, John	Wright, George		

**MERRIMACK**

Brown, Mary	Buessing, Marjorie	Chandler, Charles	Chandler, Earle
Coughlin, Anne	Crosby, Toni	Crowell, Peter	Dunn, Miriam
Feuerstein, Martin	Fraser, Marilyn	Hess, David	Holmes, Mary
Jacobson, Alf	Lamach, Bernard	Lockwood, Robert	MacKay, James
Moore, Carol	Morrill, Olive	Pfaff, Terence	Rogers, Katherine
Trombly, Rick	Wallner, Mary Jane	Willis, Jack	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Aranda, M. Kathryn	Attar, Kevin	Battles, Marjorie
Belanger, Ronald	Bishop, Franklin	Camm, Kevin	Carson, Gregory
Case, Margaret	Christie, Andrew, Jr.	Clark, Vivian	Coes, Betsy
Dolan, Richard	Dowd, Sandra	Dowling, Patricia	Dunham, Vivian
Fesh, Robert	Flanders, John, Sr.	Gage, Beverly	Gleason, John
Henderson, Warren	Hurst, Sharleene	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Klemm, Arthur, Jr.
Kobel, Rudolph	Magoon, Harold	McCarthy, John, Jr.	McGovern, Cynthia
McKinney, Betsy	Nowe, Ronald	Noyes, Richard	Pantelakos, Laura
Pratt, Katharin	Putnam, Ed, II	Raynowska, Bernard	Ross, James
Sabella, Norma	Scanlon, Edward	Simmons, John Anthony	Splaine, James
Stone, Joseph	Stritch, C. Donald	Syracusa, Anthony	Sytek, Donna
Sytek, John	Tufts, J. Arthur	Vaughn, Charles	Weare, Everett
Welch, David	Weyler, Kenneth		

**STRAFFORD**

Berube, Roger	Brown, George	Brown, Julie	Callaghan, Frank
Chagnon, Ronald	DeChane, Marlene	Douglass, Clyde	Dunlap, Patricia
Grassie, Anne	Hambrick, Patricia	Hemon, Roland	Keans, Sandra
Knowles, William	Lundborn, Raymond	Merrill, Amanda	Merritt, Deborah
Musler, George	Snyder, Clair	Spear, Barbara	Steadman, Frederick
Sullivan, Henry	Tessimond, Shane	Torr, Ann	Torr, Franklin
Vincent, Francis	Wall, Janet	Wheeler, Katherine	Williams, Howard

**SULLIVAN**

Allison, David	Behrens, Thomas	Krueger, Richard	Lindblade, Eric
Schotanus, Merle	Stettenheim, Sandy		



and the floor amendment failed.

Rep. Ann Torr moved that CACR 1 be Indefinitely Postponed.

Rep. Ann Torr requested a roll call; sufficiently seconded. The question being the adoption of the motion to indefinitely postpone CACR 1.

## YEAS 180 - NAYS 181

### YEAS 180

#### BELKNAP

Cain, Thomas  
Ziegler, Alice

Lawton, Robert

Smith, Linda

Turner, Robert

#### CARROLL

Chandler, Gene  
Mock, Henry

Cooper, Kipp

Foster, Robert

Howard, Godfrey

#### CHESHIRE

Burnham, Daniel  
Hunt, John  
Riley, William  
Steere, Myron, III

Champagne, Richard  
Kingsbury, H. Thayer  
Robertson, Timothy  
Wollner, Robert

Cole, Stacey  
Lynch, Margaret  
Russell, Ronald

DePecol, Benjamin  
Pratt, Irene  
Smith, Edwin

#### COOS

Bradley, Paula  
Guay, Lawrence  
Mears, Edgar

Coulombe, Henry  
Hawkinson, Marie  
Merrill, Gerald

Coulombe, Yvonne  
Horton, Lynn  
Pratt, Leighton

Davis, Perley  
Mayhew, Josephine

#### GRAFTON

Adams, Carl  
Eaton, Stephanie  
Nordgren, Sharon  
Trelfa, Richard

Bean, Pamela  
Guest, Robert  
Phinney, William

Brown, Channing  
LaMott, Paul  
Scanlan, David

Crory, Elizabeth  
Larson, Nils, Jr.  
Teschner, Douglass

#### HILLSBOROUGH

Ahern, Richard  
Asselin, Robert  
Bridgewater, Charles  
Cote, David  
Dwyer, Paul, Sr.  
Franks, Suzan  
Hart, Nick  
Jean, Claudette  
LaRose, Richard  
Martin, Mary  
Messier, Irene  
Perkins, Paul  
Searles, Stanley, Sr.  
Wheeler, Robert

Allen, W. Gordon  
Baroody, Benjamin  
Calawa, Leon, Jr.  
Dodge, Emma  
Emerton, Lawrence, Sr.  
Goulet, Maurice  
Holden, Carol  
Kelley, Robert  
Laughlin, J. Francis  
McCarthy, William  
O'Rourke, Joanne  
Peters, Stanley  
Soucy, Donna  
White, John

Alukonis, David  
Belvin, William  
Cepaitis, Elizabeth  
Dokmo, Cynthia  
Ferguson, Charles  
Haettenschwiller, Alphonse  
Holt, David  
Kirby, Thomas  
Lozeau, Donnalee  
Melcher, Harold  
Packard, Bonnie  
Reidy, Frank  
Streeter, Janice  
Wright, George

Amidon, Eleanor  
Bergeron, Normand  
Chabot, Robert  
Durham, Susan  
Fields, Dennis  
Hall, Betty  
Hussey, Mary  
Kurk, Neal  
Marcinkowski, Michael  
Mercer, Robert  
Pappas, Marc  
Sargent, Maxwell  
Toomey, Kathryn

#### MERRIMACK

Brown, Mary  
Jacobson, Alf  
Morrell, Olive  
Wallner, Mary Jane

Dunn, Miriam  
Lamach, Bernard  
Pfaff, Terence  
Willis, Jack

Feuerstein, Martin  
Lockwood, Robert  
Rogers, Katherine  
Yeaton, Charles

Hess, David  
Moore, Carol  
Trombly, Rick

#### ROCKINGHAM

Battles, Marjorie  
Case, Margaret

Belanger, Ronald  
Christie, Andrew, Jr.

Bishop, Franklin  
Clark, Vivian

Carson, Gregory  
Coes, Betsy

Dolan, Richard  
Gage, Beverly  
Johnson, Robert  
Kelley, Jane  
Raynowska, Bernard  
Splaine, James  
Sytek, John  
Yennaco, Carol

Dowling, Patricia  
Gorman, Donald  
Kane, Cecelia  
Klemm, Arthur, Jr.  
Ross, James  
Stritch, C. Donald  
Tufts, J. Arthur

Dunham, Vivian  
Henderson, Warren  
Katsakiores, George  
Magoon, Harold  
Sabella, Norma  
Syracusa, Anthony  
Vaughn, Charles

Flanders, John, Sr.  
Hurst, Sharleene  
Katsakiores, Phyllis  
Pantelakos, Laura  
Scanlon, Edward  
Sytek, Donna  
Welch, David

## STRAFFORD

Berube, Roger  
Hambrick, Patricia  
Merrill, Amanda  
Spear, Barbara  
Vincent, Francis

Brown, Julie  
Hemon, Roland  
Merritt, Deborah  
Sullivan, Henry  
Wall, Janet

Chagnon, Ronald  
Kears, Sandra  
Musler, George  
Torr, Ann  
Wheeler, Katherine

Dunlap, Patricia  
Lundborn, Raymond  
Snyder, Clair  
Torr, Franklin

## SULLIVAN

Allison, David  
Schotanus, Merle

Behrens, Thomas  
Stettenheim, Sandy

Krueger, Richard

Lindblade, Eric

## NAYS 181

## BELKNAP

Boriso, Thomas  
Hurt, George  
Rice, Thomas, Jr.

Dewhirst, Glenn  
Johnson, James  
Rosen, Ralph

Golden, Paul  
Lafam, Robert  
Thomas, John

Holbrook, Robert  
Lawton, David  
Wendelboe, Francine

## CARROLL

Babson, David, Jr.  
Kenney, Joseph

Beach, Mildred  
Lyman, L. Randy

Bradley, Jeb  
Patten, Betsey

Dickinson, Howard, Jr.  
Philbrick, Donald

## CHESHIRE

Avery, Stephen  
Metzger, Katherine

Feuer, Joseph  
Richardson, Barbara

Laurent, John

McGuirk, Paul

## COOS

St. Hilaire, Paul

## GRAFTON

Below, Clifton  
Connolly, Steven  
Mirski, Paul

Brown, Alson  
Hill, Richard  
Tucker, John

Chase, Paul, Jr.  
Lovett, Sidney  
Williams, William, Jr.

Cobbin, Philip  
MacNeil, Allen

## HILLSBOROUGH

Aksten, Cheryl  
Boutin, David  
Clegg, Robert, Jr.  
Desrosiers, William  
Fenton, James  
Gibson, John  
Herman, Keith  
Johnson, Lionel  
Lefebvre, Roland  
MacGillivray, Jeffrey  
McRae, Karen  
O'Hearn, Jane  
Sallada, Roland  
Taylor, Paul  
Wheeler, Craig

Andrews, Frederick  
Buckley, Raymond  
Cote, Peter  
Dyer, Merton  
Foster, Linda  
Gotham, Rita  
Holley, Sylvia  
Kane, Laura  
Legacy, Earl  
MacIntyre, Doris  
Milligan, Robert  
Pepino, Leo  
Showerman, Peter  
Thulander, O. Alan  
White, Donald

Arnold, Thomas, Jr.  
Burke, M. Virginia  
Daniels, Gary  
Dykstra, Leona  
Francoeur, Gary  
Hallyburton, Margaret  
Hunter, Bruce  
Krochmal, Mark  
Letendre, Evelyn  
McCarty, Winston  
Mittelman, David  
Philbrook, Paula  
Soucy, Richard  
Turgeon, Roland

Barry, Janet  
Champagne, Norma  
Desmarais, Vivian  
Feng, David  
Gagnon, Eugene  
Healy, Daniel  
Jean, Loren  
L'Heureux, Robert  
Luebker, Bernard  
McMahon, Donald  
Moncrief, Keith  
Riley, Frances  
Sullens, Joan  
Wells, Peter, Sr.

**MERRIMACK**

Adams, Stephen	Barberia, Richard	Buessing, Marjorie	Chandler, Charles
Chandler, Earle	Chandler, John	Coughlin, Anne	Crosby, Toni
Crowell, Peter	Daneault, Gabriel	DeStefano, Stephen	Fraser, Marilyn
Holmes, Mary	Langer, Ray	Little, Michael	MacKay, James
Newland, Matthew	Nichols, Avis	Owen, Derek	Patenaude, Amy
Pitman, Mary Ellen	Shaw, Randall	Varsalone, Robert	Warner, Richard
Whalley, Michael	Whittemore, James		

**ROCKINGHAM**

Abbott, Dennis	Aranda, M. Kathryn	Arndt, Janet	Attar, Kevin
Beaulieu, Jon	Boucher, William	Camm, Kevin	Conroy, Janet
Dodge, Robert	Dowd, Sandra	Dube, LeRoy	Felch, Charles, Sr.
Fesh, Robert	Flanagan, Natalie	Flanders, David	Gargiulo, Louis
Gleason, John	Goddard, Warren	Hawkins, Robert	Hutchinson, Karen
Kobel, Rudolph	Kruse, Fred	Langley, Jane	Lupien, James
Malcolm, Ken	McCarthy, John, Jr.	McGovern, Cynthia	McKinney, Betsy
Moore, Benjamin	Morris, Debbie	Nowe, Ronald	Noyes, Richard
Packard, Sherman	Pratt, Katharin	Putnam, Ed, II	Rubin, George
Simmons, John Anthony	Smith, Arthur	Stone, Joseph	Weare, Everett
Weyler, Kenneth			

**STRAFFORD**

Brown, George	Callaghan, Frank	DeChane, Marlene	Douglass, Clyde
Grassie, Anne	Hanlon, Mark	Knowles, William	McKinley, Robert
Reynolds, Charles	Steadman, Frederick	Tessimond, Shane	Torr, Ralph
Wasson, Richard	Williams, Howard		

**SULLIVAN**

Adler, Rudolf	Cloutier, John	Scott, Robert	Whipple, Allen
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and the motion failed.

Rep. Cooper voted yea and intended to vote nay.

The question now being the adoption of the Majority Committee report.

Rep. Frances Riley spoke in favor and yielded to questions.

Rep. Spear spoke against.

Rep. O'Rourke requested a quorum count. The Speaker declared a quorum present.

Rep. Trombly spoke against and yielded to questions.

Rep. Gene Chandler spoke against.

Rep. Ann Torr requested a roll call; sufficiently seconded. The question being the adoption of the Majority report.

**YEAS 133 - NAYS 226****YEAS 133****BELKNAP**

Boriso, Thomas	Dewhirst, Glenn	Golden, Paul	Holbrook, Robert
Hurt, George	Laffam, Robert	Lawton, David	Rice, Thomas, Jr.
Rosen, Ralph	Thomas, John	Wendelboe, Francine	

**CARROLL**

Bradley, Jeb	Cooper, Kipp	Dickinson, Howard, Jr.	Kenney, Joseph
Lyman, L. Randy	Patten, Betsey		

**CHESHIRE**

Feuer, Joseph	Laurent, John	Metzger, Katherine	Wollner, Robert
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**COOS**

None

# GRAFTON

Cobbin, Philip Hill, Richard Williams, William, Jr.

# HILLSBOROUGH

Andrews, Frederick	Barry, Janet	Buckley, Raymond	Burke, M. Virginia
Champagne, Norma	Clegg, Robert, Jr.	Daniels, Gary	Desmarais, Vivian
Desrosiers, William	Dodge, Emma	Dykstra, Leona	Feng, David
Fenton, James	Francoeur, Gary	Gotham, Rita	Goulet, Maurice
Hallyburton, Margaret	Herman, Keith	Holley, Sylvia	Hunter, Bruce
Jean, Loren	Kane, Laura	L'Heureux, Robert	LaRose, Richard
Lefebvre, Roland	Legacy, Earl	Letendre, Evelyn	Luebker, Bernard
MacGillivray, Jeffrey	MacIntyre, Doris	McMahon, Donald	Milligan, Robert
Mittelman, David	Moncrief, Keith	O'Hearn, Jane	Pepino, Leo
Riley, Frances	Sallada, Roland	Sullens, Joan	Taylor, Paul
Thulander, O. Alan	Turgeon, Roland	Wells, Peter, Sr.	White, Donald
Wright, George			

# MERRIMACK

Adams, Stephen	Barberia, Richard	Buessing, Marjorie	Chandler, Earle
Daneault, Gabriel	DeStefano, Stephen	Langer, Ray	Little, Michael
MacKay, James	Newland, Matthew	Nichols, Avis	Patenaude, Amy
Pitman, Mary Ellen	Shaw, Randall	Varsalone, Robert	Warner, Richard
Whalley, Michael	Whittemore, James		

# ROCKINGHAM

Arndt, Janet	Attar, Kevin	Beaulieu, Jon	Boucher, William
Camm, Kevin	Carson, Gregory	Conroy, Janet	Dodge, Robert
Dowd, Sandra	Dube, LeRoy	Dunham, Vivian	Felch, Charles, Sr.
Fesh, Robert	Flanagan, Natalie	Flanders, David	Gargiulo, Louis
Goddard, Warren	Hutchinson, Karen	Kobel, Rudolph	Kruse, Fred
Langley, Jane	Lupien, James	Malcolm, Ken	McKinney, Betsy
Moore, Benjamin	Morris, Debbie	Noyes, Richard	Packard, Sherman
Putnam, Ed, II	Rubin, George	Simmons, John Anthony	Smith, Arthur
Stone, Joseph	Weyler, Kenneth	Yennaco, Carol	

# STRAFFORD

Brown, George	Douglass, Clyde	McKinley, Robert	Reynolds, Charles
Steadman, Frederick	Torr, Ralph	Wasson, Richard	Williams, Howard

# SULLIVAN

Adler, Rudolf Scott, Robert Whipple, Allen

# NAYS 226

# BELKNAP

Cain, Thomas	Johnson, James	Lawton, Robert	Smith, Linda
Turner, Robert	Ziegra, Alice		

# CARROLL

Babson, David, Jr.	Beach, Mildred	Chandler, Gene	Foster, Robert
Howard, Godfrey	Mock, Henry	Philbrick, Donald	

# CHESHIRE

Avery, Stephen	Burnham, Daniel	Champagne, Richard	Cole, Stacey
DePecol, Benjamin	Hunt, John	Kingsbury, H. Thayer	McGuirk, Paul
Pratt, Irene	Richardson, Barbara	Riley, William	Robertson, Timothy
Russell, Ronald	Smith, Edwin	Steere, Myron, III	

**COOS**

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Guay, Lawrence	Hawkinson, Marie	Horton, Lynn	Mayhew, Josephine
Mears, Edgar	Merrill, Gerald	Pratt, Leighton	St. Hilaire, Paul

**GRAFTON**

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Brown, Channing	Chase, Paul, Jr.	Connolly, Steven	Crory, Elizabeth
Eaton, Stephanie	Guest, Robert	LaMott, Paul	Larson, Nils, Jr.
Lovett, Sidney	MacNeil, Allen	Mirski, Paul	Nordgren, Sharon
Phinney, William	Scanlan, David	Teschner, Douglass	Trelfa, Richard
Tucker, John			

**HILLSBOROUGH**

Ahern, Richard	Aksten, Cheryl	Allen, W. Gordon	Alukonis, David
Amidon, Eleanor	Arnold, Thomas, Jr.	Asselin, Robert	Baroody, Benjamin
Belvin, William	Bergeron, Normand	Boutin, David	Bridgewater, Charles
Calawa, Leon, Jr.	Cepaitis, Elizabeth	Chabot, Robert	Cote, David
Cote, Peter	Dokmo, Cynthia	Durham, Susan	Dwyer, Paul, Sr.
Dyer, Merton	Emerton, Lawrence, Sr.	Ferguson, Charles	Fields, Dennis
Foster, Linda	Franks, Suzan	Gagnon, Eugene	Gibson, John
Haetenschwiller, Alphonse	Hall, Betty	Hart, Nick	Holden, Carol
Holt, David	Hussey, Mary	Jean, Claudette	Johnson, Lionel
Kelley, Robert	Kirby, Thomas	Krochmal, Mark	Kurk, Neal
Laughlin, J. Francis	Lozeau, DonnaLee	Marcinkowski, Michael	Martin, Mary
McCarthy, William	McCarty, Winston	McRae, Karen	Melcher, Harold
Mercer, Robert	Messier, Irene	O'Rourke, Joanne	Packard, Bonnie
Pappas, Marc	Perkins, Paul	Peters, Stanley	Philbrook, Paula
Reidy, Frank	Sargent, Maxwell	Searles, Stanley, Sr.	Showerman, Peter
Soucy, Donna	Soucy, Richard	Streeter, Janice	Toomey, Kathryn
Wheeler, Craig	Wheeler, Robert	White, John	

**MERRIMACK**

Brown, Mary	Chandler, Charles	Chandler, John	Coughlin, Anne
Crosby, Toni	Crowell, Peter	Dunn, Miriam	Feuerstein, Martin
Fraser, Marilyn	Hess, David	Holmes, Mary	Jacobson, Alf
Lamach, Bernard	Lockwood, Robert	Moore, Carol	Morrill, Olive
Owen, Derek	Pfaff, Terence	Rogers, Katherine	Trombly, Rick
Wallner, Mary Jane	Willis, Jack	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Aranda, M. Kathryn	Battles, Marjorie	Belanger, Ronald
Bishop, Franklin	Case, Margaret	Christie, Andrew, Jr.	Clark, Vivian
Coes, Betsy	Dolan, Richard	Dowling, Patricia	Flanders, John, Sr.
Gage, Beverly	Gleason, John	Gorman, Donald	Hawkins, Robert
Henderson, Warren	Hurst, Sharleene	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Klemm, Arthur, Jr.
Magoon, Harold	McCarthy, John, Jr.	McGovern, Cynthia	Nowe, Ronald
Pantelakos, Laura	Pratt, Katharin	Raynowska, Bernard	Ross, James
Sabella, Norma	Scanlon, Edward	Splaine, James	Stritch, C. Donald
Syracusa, Anthony	Sytek, Donna	Sytek, John	Tufts, J. Arthur
Vaughn, Charles	Weare, Everett	Welch, David	

**STRAFFORD**

Berube, Roger	Callaghan, Frank	Chagnon, Ronald	DeChane, Marlene
Dunlap, Patricia	Grassie, Anne	Hambrick, Patricia	Hanlon, Mark
Hemon, Roland	Keans, Sandra	Knowles, William	Loder, Suzanne

Lundborn, Raymond  
Snyder, Clair  
Torr, Ann  
Wheeler, Katherine

Merrill, Amanda  
Spear, Barbara  
Torr, Franklin

Merritt, Deborah  
Sullivan, Henry  
Vincent, Francis

Musler, George  
Tessimond, Shane  
Wall, Janet

### SULLIVAN

Allison, David  
Lindblade, Eric

Behrens, Thomas  
Schotanus, Merle

Cloutier, John  
Stettenheim, Sandy

Krueger, Richard

and the Majority report failed.

Rep. Nowe voted nay and intended to vote yea.

Rep. Cole moved that the Minority Committee report, Inexpedient to Legislate, be adopted. Adopted.

### RESOLUTION

Reps. Ann Torr and Trombly offered the following:

**RESOLVED**, that the House inform the Honorable Senate it is ready to meet in Joint Convention for the purpose of hearing Governor Stephen Merrill deliver his budget message.

Adopted.

### RECESS

### SENATE MESSAGE

The Senate is ready to meet in Joint Convention for the purpose of hearing Governor Stephen Merrill deliver his budget message.

### JOINT CONVENTION

#### (Speaker presiding)

His Excellency, Governor Stephen Merrill, addressed the Joint Convention.

Since mid-December, a number of you in this room have said to me, "You don't look very well and you don't sound very well." You have been right. I must tell that balancing the biennial budget of 1996 and 1997 has been the most challenging professional experience of my life. We have balanced that budget in a way that I am proud of. More importantly, I think the taxpayers of this state will be proud. I just wish Jack Barnes was here this afternoon. I know that your thoughts and prayers are with Jack and with Georgie Thomas and with John Ratoff, all of whom are recovering but all of whom need your thoughts and prayers.

It is with a great sense of pride and accomplishment that I come before you today and present the biennial budget for 1996 and 1997.

It is true that great challenges await us and that those challenges are historic in nature. No Governor and no Legislature have ever faced the potential shortfall that we face together. That loss of revenue is simply a fact. What we do about that loss of revenue is more interesting and more exciting.

Over the next few months the Governor and the Legislature will come to this building to work on this budget and in doing so we will answer the following question: In the recent election you and I won. Did we deserve to win? Are we prepared to make the tough decisions and to stick with them? If we keep our commitment to the voters, no higher taxes and no higher spending, then the answer is, Yes. We clearly did deserve to win.

The federal government has determined to ramp down programs that affect New Hampshire at a far greater rate than was originally designed. At the same time, several pieces of recent legislation will push expenditures to an unanticipated level. For these reasons, our State faces a \$100 million shortfall this year and a \$100 million shortfall next year. There is no criticism from me of the federal government for making that fiscal decision. After all, Washington is in worse financial shape than New Hampshire. It is time to restore our State's sovereignty as Washington finally appears to be willing to let us. It is time to roll back the unacceptable program costs that threaten our economic future. That is the journey that I ask you to take with me beginning today.

Because of the magnitude of the problem we face, I do not want to go any further in these remarks without telling you very clearly the course of action that I am proposing in this bien-

nial budget. We are going to balance this budget without broad-based taxes. We are going to balance this budget without new taxes. We are going to balance this budget without raising the taxes we have in place.

The budget that I propose for you today is unlike any other budget that has been proposed for New Hampshire in the last 30 years. Let me show it to you in chart number one. These are biennial increases in general fund expenditures. For the first time in more than three decades, and frankly as long as anyone can remember, this budget spends less money than the previous budget. This is not Washington double-talk. I don't mean that we are cutting the growth of spending. I mean we are going to spend less money than we did before. If we can cut the growth of spending and still go broke; if we were going to spend at 10 percent and we decide to spend at 8 percent and we have revenue for 5 percent, we are still going to go broke. That is not what we are going to do. We are not going to raise taxes. We are not going to spend more money. To me, this chart says it all. This number is going to balance our budget. It is the beginning of the journey you and I are going to take together. It is an opportunity that most states would like to be able to take. We are going to take it.

Let me tell you how we are going to accomplish it.

The answer, in part, is based on decisions that you and I made last year. We listened to our citizens in business roundtables and in countless forums around the State and we acted. Our plan was based on the will of the people. It was not based on a special interest group or a tax-and-spend philosophy. I want to show you a chart of general fund expenditures. The last biennial budget represents the last graph. Two things are clear. Number one. We have turned around the direction of government already. Secondly, if you say to me, "Well it is true, Governor, but that last graph is only a little bit less than the one before it." It is true. But when you are dealing with numbers in the magnitude that we are dealing in, we are talking about significant savings that you are going to use with me to close this budget deficit.

It is important to remember that as we came out of the worst recession since World War II, we did something interesting in New Hampshire. We did not pass an income tax or a sales tax or a statewide property tax and claim that it was an economic advantage. We did the real New Hampshire advantage and we are currently reaping that benefit.

If any of you have heard me speak in the last year, you have heard me point out that while Washington failed to act, we did things. We took the first step on welfare. We made real workers' compensation reform. We made real health care reform. Did it matter? Let me tell you how much those charts mean to you and me as we balance this budget. We did not just meet the revenue estimates in the last biennial budget. Because of the actions taken in this building, we exceeded them by \$40 million.

Despite those who said that we could not do it, and who still say that we can't do it, we have proven that you can cut taxes and grow the economy. You can cut spending and grow the economy. You can cut the bureaucracy and red tape and grow the economy. Higher taxes and more spending would have done exactly the opposite, but the Merrill Jobs Plan of 1992 was refined and endorsed by you, the Legislature, and it became the New Hampshire Economic Plan of 1993 and 1994. It is the cornerstone of our recovery today.

When you think about those numbers, the unemployment from 8.1 percent to 3.9 percent, think about jobs and revenue. When you hear that businesses decided to come to New Hampshire when we balanced the last budget without a broad-based tax, think about jobs and think about revenue. When you think about all the firsts of New Hampshire that include education, health, mental health, criminal justice, environment, training the work force and all the families that decided to move to New Hampshire as a result of what we were doing, think about jobs and think about revenue.

That is why New Hampshire's population is growing at a rate that exceeds every state in the Northeast, every state in the Mid-Atlantic states and every state in the Great Lakes states as far as North Dakota. It adds up to success.

The citizens of New Hampshire expect us to balance our budget here the same way they do their's and their family's and in their small businesses. They do not want higher taxes and they have told us so. And yet we have already had at least one income tax bill introduced in this session of the Legislature, which shows that some things never change.

I heard a rumor that there was a discussion earlier about a line-item veto. As you consider that or biennial sessions or anything else, let me just show you chart number three for a mo-

ment. I don't care if we meet here every day for the next two years or if we only meet 30 days for the next two years. We have to stop this. These are the number of New Hampshire RSAs by page. In other words, these are the laws we are passing. Just look what has happened since 1985. If we continue to set down on the business community laws and red tape and administrative rules and regulations, we are going to pay the price for it. I give you this chart because you and I together, no matter how often we are here or what our political philosophy, ought to be doing something about that.

We ought to applaud our departments and agencies. They have not waited for new taxes. They have not waited for economic gimmicks. They have gone to work with available resources. They have used total quality management. They manage their departments more like a business. Just look at the turn around in the Department of Environmental Services, for example. They deserve our credit. They have helped in this economic growth. The engine of our economic growth in New Hampshire is the businesses. Not just the ones that have come here, but the ones who have stayed here, that slugged it out with us and are coming back stronger than ever. Let's reward them as well. In the last session we lowered the Business Profits tax from 8 percent to 7 percent. There will be those who say we need the money. Let's raise it. Let's refuse to raise the Business Profits Tax. We passed a Business Enterprise Tax. Let's refuse to raise that as well. Don't forget, that as a result of what we did, thousands of thousands of small businesses benefited. Because, when we did that, we changed the gross receipts requirement from \$12,000 to \$50,000 a year. Do you know what that meant? It meant that 10,000 Mom and Pop businesses don't even have to file with the Department of Revenue Administration. They save the time and money and effort and we do as well in state government because they almost never pay taxes and we've eliminated all of that paperwork and red tape.

I also will support a change in the Interest and Dividends tax. There is a difference between New Hampshire and Vermont bank interest. Our exemption now faces a constitutional challenge. I will support a bill to remove the exemption and then to raise the exclusion so that New Hampshire citizens don't get hurt.

Vermont is apparently going to raise its cigarette tax by 20-cents a pack consistent with some policies that they are developing. I propose we do not raise our cigarette tax. I don't want it to be an engine for spending and I think we'll get more revenue by leaving it where it is anyway.

There is also a Rooms and Meals Tax on hospitals. It is based on gross receipts and it was extended to hospitals at a time when the flow of Medicaid money to New Hampshire made such an arrangement prudent. The hospitals received \$50 million as a result of their participation in the program, a program that the then-Governor of Arkansas designed for the National Governors' Association.

Those hospitals, under current policy, are liable for \$127 million on gross receipts or \$40 million per year on the Rooms and Meals Tax. I propose to eliminate the tax on hospitals.

I also propose to protect the Health Care Transition Fund. We have \$100 million in that fund and we should be spending only the interest to provide for new services and new initiatives. Everybody in this room knows that we created that fund when we thought that Washington was going to have a big government program. We wanted to spend the money wisely. Since we acted and Washington failed to act, it is even more prudent now to act wisely.

Similarly, I do not propose to invade the Rainy Day Fund of \$20 million, established to provide economic stability at a time when our economy is in recession and our expenditures exceed our revenues. Our economy is doing well. That is why it is important to hold down taxes and spending and to cut regulations and red tape, and permit New Hampshire businesses to thrive. Don't listen to those who would spend and invade the Rainy Day Fund or raise taxes because we will chase jobs out of New Hampshire by doing so and we will end this great economic recovery.

Along with the department heads who have worked so hard, I want to commend my budget team. They have brought you a proposal to restructure state government in New Hampshire. The team includes Ralph Brickett, my legislative analyst; Don Hill from the Department of Administrative Services; former Adjutant General and Commissioner of Revenue Administration, Lloyd Price; Manchester CPA, John Riley and Commissioner Terry Morton. Through it all, there were some dark hours and long hours. Only one person consistently believed we would balance this budget and he is the person who found \$200,000 more here or cut \$300,000 more there. He is the Governor's Budget Director, Doug Scamman.



I can assure you that every state, as Washington changes, is going to restructure its bureaucracy just as New Hampshire today begins to restructure its government. Washington is changing and, that is good even though it means change for the states. Let's embrace it as a positive tool and get the job done together.

If I was to say to you that one out of every two general-fund dollars, one out of every two taxpayer dollars went to one department you might be amazed. But I want to show you a chart, chart number four. These are not federal funds these are general-fund dollars, New Hampshire taxpayer dollars. The red represents the Department of Health and Human Services. At about 2 o'clock in that pie chart you will see the second largest piece in gray. You are free to look at these charts and we will have copies for you. That represents the State Treasury. No one in this room thinks the State Treasury is the second largest department in state government, but it is paying back bonds this year and, therefore, we reflected it accurately in terms of its money outlay. All of the other departments that you work with or care about are on that chart. It will give you an idea of where we must begin. Because one department spends that amount of money, it is important to begin there to achieve the necessary efficiencies in the operation of state government. Before I go any farther, I want you to know that those in place in Health and Human Services have not fought this; they have been enormously helpful. We could not have done it without them. The Commissioner will request an appropriate delegation of authority to permit him to achieve the goals, with legislative oversight and reporting. As Governor, I want similar responsibility. I will request such authority as is required to achieve specific efficiencies in the rest of state government. I am going to work with the Commissioners. I am going to report to you so that you know what is happening. Commissioner Flynn and Commissioner Bartlett have indicated that they would be willing to work with other departments to achieve the efficiencies we need. We can't afford to let this chart growth continue until the red is three-quarters of the state or seven-eighths of the state.

New Hampshire's total dependence on federal government is far below other states. That also helps us. In other words, our restructuring will keep us ahead of other states as they develop. In today's world of increasing competition, that is exactly where we want to be — out in front. I told you this before, but you need to know that New Hampshire sends more money to Washington than it gets back, even including the Medicaid program. Democratic Senator Daniel Patrick Moynihan recently made a list for the Senate of the United States of the jurisdictions that received federal money. I went right to 50 and New Hampshire wasn't there. I realized that he had included the District of Columbia, so on his list we are 51st.

The problems of Washington, DC are not confined to one party or to one President. They represent a philosophy of government intervention and maintaining an unworkable federal bureaucracy that simply does not provide cost-effective services to the people of this country. It hasn't done so for quite a while. I applaud, rather than criticize, the changes in Washington. I can assure you that New Hampshire is ready to meet its obligations as long as it is treated equitably.

That is why two years ago in this budget address I said the following to you: "We should prepare future budgets with an eye toward a decreasing amount of Medicaid funding so that our spending expectation level may not exceed reasonable or legitimate future levels of funding." That is why those first couple of charts are so important. We started the course that will take us where we want to go. We did not spend beyond our means. But all was not perfect. In the last session, we passed two bills that need my immediate attention and more importantly, yours. I need to show you two entitlement spending bills which I signed, House Bill 613 and House Bill 614. The black represents the fiscal note that you and I used in the bill. The red introduces the general fund spending already in this year. Ladies and gentlemen, we don't need to criticize House Bills 613 and 614 or Senate Bill 209 or any other bill where the red exceeds the black by that amount. They may be the finest pieces of legislation ever passed. They may be flawed pieces of legislation. You have my commitment. No legislation can stay on the books that is doing that to the taxpayers of the state. We have to reconsider any legislation where the fiscal note is so inappropriate to the amount of spending. You may decide to spend every dollar, but you ought to know up front how much you are going to spend. These charts on House Bills 613 and 614 show you that that simply is not the case.

Let me remind you of something else. Now, you may understand why at the end of the last session I vetoed some bills. I refused a proposal for \$40 million in additional spending. I re-

fused to add \$60 million to the Augenblick formula, despite the fact that John Augenblick says we should not do it and despite the fact that the richer communities would get more than the property-poor communities. If I had signed those bills, we would be \$100 million on top of the \$100 million in debt. There are people in this room today who want to mandate kindergarten, even though mandates do not seem to be a good idea. That is another \$40 million according to the School Board Association. So we'll start off \$140 million on top of a \$100 million. No, ladies and gentlemen, that is not the way we are going to do business in New Hampshire.

Let me show you the final chart. It is the money we send to institutional social service providers. The same thing is happening to our provider payments as happened in House Bills 613 and 614. The black is the amount that you and I appropriated for provider payments in 1995 and the red is the projected spending for 1995.

Now, the time has come to act decisively to protect our state and to build for a better future. Therefore, I propose to end welfare in New Hampshire. My proposal will eliminate AFDC cash payments and replace them with the New Hampshire Employment Program run by Health and Human Services and Employment Security.

We should end the term "entitlement" and end the thinking that brought that term into such widespread use.

Not everybody in our society is able to work. Some are severely disabled or so frail that they will need our assistance. We will not turn our backs on those individuals. They will get our assistance. However, that leaves able-bodied adults, not mentally or physically disabled.

We have changed our view of disability and as a result many disabled have become wonderfully productive members of our society. They work alongside us and make a real contribution. The time has come to extend that same invitation to those locked in the current welfare system.

This society began this long, expensive road by caring for those who needed a helping hand. Over the years, caring turned into the bureaucracy of caring. And now the bureaucracy of caring has turned into the bureaucracy of dependency. It is time to end that dependency in New Hampshire.

I do not propose to reform welfare. I propose to eliminate it.

Tell me what is empowering about a government system where the only meaningful event in the life of the recipient is the handout of a check? When I appeared with Bill Weld for a tour of welfare offices in our two states, welfare workers in Lawrence, Massachusetts broke into applause after Governor Weld described his new plan.

After the press conference, I asked some of the welfare workers why they would applaud a mechanism to so radically change the system they work in. One woman said to me, "I am now dispensing services to my third generation of welfare recipients. I dealt with the grandparents, then I dealt with the parents, and now I deal with the children." Then she merely shook her head. Our states are different and our solutions will be different. But our goal is the same.

It is not just the taxpayers who want the system changed. You will be happy to know it is the welfare recipients themselves. When we asked them how many of them would like to find gainful employment in New Hampshire, the number reached nearly 90 percent. Let's provide the recipients with a program that does not rob them of their dignity, but it builds on their own resources and ours to change lives for the better.

The Department of Health and Human Services has indicated that the average stay on public assistance in New Hampshire is over three years. If you want to compare that to the average stay of an unemployed person after he has lost his job, that is 11 weeks. With that disparity, is it any wonder that people are angry about the system?

Under the new Employment Plan, AFDC cash benefits will not longer exist for able bodied adults. But, unemployment payments will be available for 26 weeks, the same period of time other unemployed claimants receive. State government will assist these individuals in job skills, in training, in interviewing and in placement necessary to find a job. If at the end of that 26-week period they have not found a job, they will be referred to a participating private employer who will pay a portion of the individuals' wages or they will be assigned to community work.

Those eligible for unemployment benefits will also receive child care and health care support. Why do we include those? Because we asked the welfare recipients, "What do you need to make the transition?" They said, "Child care and health care support." We listened.

I will introduce legislation to ensure that our measures at the State level will be available to cities and towns so no additional costs are passed on to them. HHS estimates that our current

caseload will be reduced 20 percent in the first year and 50 percent by the end of three years. That is not an unreasonable goal. It is precisely the kind of innovation for which New Hampshire is known.

President Clinton has said a number of times that in his 12 years as Governor, his most memorable moment was when he asked a welfare mother why she supported his welfare reform. She said, "I didn't used to Governor, but I will never forget when my nine-year-old daughter told me what it was like to come home from school and to be able to answer the question on the first day, 'What does your mother do for work?'"

It changed his way of thinking. Imagine how empowering it is going to be for people to go to a job office or an employment office instead of a welfare office. Imagine what it is going to do for their children.

While I am on the subject of change, I want to commend Jeff Rafn of Postsecondary Education and Eli Isaacson of the Private Industry Council. They have redesigned job training. They have incorporated it into the Technical College System.

The significance of the PIC remains. But, Job Training and Tech courses will now expand to include the economically disadvantaged, those that are leaving welfare and dislocated workers. In that way, we are going to eliminate duplicative services in recruiting and counseling and training. We will be able to help people who want jobs and we will be able to help people who want education and we will be able to help people who want both.

There are many other positive changes that can affect the way we do business in New Hampshire.

I can't duck the responsibility of considering the Youth Development Center. The costs are some of the highest anywhere in the nation. They are twice the national average. I am going to recommend privatizing the facility and seeking to preserve in the private sector the State employees who currently work there.

I also am going to propose restructuring and combining the efficiencies at the Pari-Mutuel Commission and the Sweepstakes Commission. You need to know in my budget I have not counted the revenue we save by streamlining. I don't know whether we are going to lease ski areas or not. I haven't counted revenue from that. There is no supposed revenue increase from expanded gambling in my budget. This budget relies on available revenue estimates.

I am prepared to spend money to save the Portsmouth Naval Shipyard. I am going to continue to fight with others to keep this vibrant facility part of New Hampshire's seacoast. When it comes to Los Angeles-class submarines, in cost effectiveness, for time of the replacement and back to sea, they don't get any better than the Portsmouth Naval Shipyard.

Now, let us consider what this budget means to communities.

Direct aid to the cities and towns in this budget is increased, not decreased, over \$389 million including \$112 million in revenue sharing.

Over the biennium, we are going to replace 64 bridges at a cost of \$92 million. Additional funding is available to cities and towns through the Aid Construction Program which will be increased from \$1 million to \$2.5 million every year. Each year, another \$3 million is going to be added to the State's Betterment Account which means that \$12.7 million of State funds will be available for resurfacing and bridge repair and spot safety improvements.

When I became Governor, I questioned whether we should be bonding current operating expenses and I said we shouldn't. There are no operating expenses bonded in this budget. That means we remain the only state in the country to pay for local sewer, water and landfill projects. That has a direct effect on property taxes because you would otherwise have to raise those taxes to pay for those projects. That is also true with the revenue sharing. It is also true with the education money we are going to talk about.

I have not changed my position on unfunded mandates to the cities and towns. I was the Attorney General who brought that about 11 years ago. The message is clear. We don't want unfunded mandates. Similarly, I do not endorse the practice of dedicated funds. Dedicated funds distort the true picture of spending in a particular area, and they earmark funds for projects that may not reflect the general will of all our citizens.

This budget sets forth profound changes in another important area, the delivery of services to children. Two years ago I said to you, "My long-standing interest in children's issues will remain, but I must express concern that state and county costs for court-ordered settlements con-

tinue to rise." I then added, "We must recognize that the increase in many millions of dollars has not resulted in the success we seek." Since that time we have taken steps to deal with the problem and the steps have not been enough.

The program is clearly not working as we intended. I did not come here today to criticize Children, Youth and Families or the court system. I don't know whether either group has enough information or whether each has enough information and each is not trading that information with the other as often as it should. I just know that settlement is crippling us financially and court-ordered placement has produced the kind of excesses that Jordan Rau talked about day after day in the Concord Monitor. Sadly, those stories are not atypical. They are all too typical.

Our taxpayers have paid for court-ordered attorneys for boyfriends who sexually assault the children of their girlfriends; diagnostic evaluations for the boyfriends who sexually assault those children. Our taxpayers have paid for music lessons, bicycles, guitars, food, clothing, camp, smoking patches for the family, including the parents; payments to the telephone company to turn the phone back on, bills for services which include cleaning the house, doing the laundry, gymnastics classes, paying for a birthday party that lasted for six hours until 1:00 a.m., transportation for scuba classes and voice lessons. (Aside) Stacey, that is a dose of salts, too.

Many states place the accountability for child placement with the executive branch because that branch is required to provide appropriate services with public accountability. The settlement costs that used to be \$3 million are now \$45 million.

Let's not spend our time trying to affix blame. Let's spend our time trying to fix the system. We will propose changes that maintain the Court's authority to determine abuse and neglect and juvenile delinquency. Once that responsibility has been made and once the decision of the Court has been made, we believe the decisions for child care placement should be made by professionals in state government. They should provide placements at appropriate foster homes, group homes and institutions.

What kind of oversight should be established to make sure the system works any better under a new form than it does now. I propose to ask the Attorney General, the Commissioner of Health and Human Services, the Administrative Judge of the District Court, Judge Edward Kelly, and the Commissioner of Education to review these decisions that are made in various courts involving juveniles and to report to me on a quarterly basis and then I am going to come and report to you. I will report to the Fiscal Committee or any other group you want. If, in three months or six months or a year, we find out we are not doing it right, let's change it so that we can do the right thing. Not just for the children of the state, but for everybody in the state. Let me assure you that special interest groups who believe that they benefit from the current system will oppose the changes I just talked about. Some of them are here today and they have a right to defend the present system. You have a right to ask why they prefer the status quo to meaningful change.

I welcome their ideas on making the system better. But let me remind you that when confronted with a list of abuses that included a \$57,000 taxi fare billed to the State of New Hampshire and Belknap County, the head of one advocacy group said, "As sensational as it was, this \$57,000 taxi ride is not representative."

While I personally think \$7,000 for taxi fares is too high, I could have understood a statement that said at least if only \$7,000 was spent, the remaining \$50,000 could have been better spent to help the children we are trying to help. That is not what they said and it is not what they mean. They mean, "No," to the legislature and to the Governor. They mean, "Keep out of our programs." We want them to stay the way they are, even if it means \$57,000 taxi fares and assistants who charge \$23.00 per hour to shuttle troubled youth to gymnastics classes, field trips and to the beach." Enough is enough.

I would respectfully ask that those who propose changes in this system come prepared to tell us how we are going to continue to fund the present system into the future. The time is here to fix the current system and to make it better for the cities and towns, for the counties, for the state and for the troubled youth.

This budget seeks to avoid costly litigation by spending it wisely in corrections, education initiatives and prevention programs. New Hampshire should be proud of its correctional system and we remain committed as a people to truth-in-sentencing and our conviction rate and our incarceration rate are excellent. New Hampshire's approach to corrections since 1980 has made us a model for correctional systems in America. In this regard, even the controversial Laconia facility is an international model as well.

In order to continue to meet our responsibility to protect our citizens, we must look toward increasing our prison capacity in the coming years. There is federal legislation that should begin to help us in 1996. Therefore, our plan will be coordinated with the availability of those funds, and that is why you will find in the Capital Budget \$500,000 for the siting and design of additional correctional facilities.

We should also consider partnerships with our counties because they have additional incarceration space, as well as with other lease providers. I have long argued, as a former Attorney General, that non-violent offenders need not be housed at taxpayer expense at maximum security facilities where violent criminals are housed. I am prepared to work with you, the Legislature, on a program called Punishment and Restitution that will incarcerate non-violent offenders for an appropriate period of time and then demand from those individuals monetary restitution to society and to the victims.

Now, let us consider education. I have included funding in this budget for kindergarten. I am proposing in separate legislation a five-part kindergarten incentive program to ensure that the 15 percent of kindergarten-aged children who are not attending kindergarten will have the opportunity to do so.

It is in five parts. The first part is that the state will pay between 55 percent and 75 percent of the cost of kindergarten construction.

Second, school districts which currently operate kindergartens will continue to receive Foundation Aid.

Third, grants to defray start-up costs in school districts that vote to operate kindergarten or to provide public support for privately operated kindergartens will be available in the amount of up to \$2,400 per kindergarten student.

Fourth, additional aid will be available for every school district that currently operates a kindergarten or votes to support one or to support a private kindergarten.

Fifth, at the end of the incentive plan, those parents and school districts that still have not made a commitment to kindergarten, in my opinion, should receive direct tuition assistance through a kindergarten voucher program.

When I talked about education last July, I said that improvements should be made in what we have called in New Hampshire, the Augenblick formula. The New Hampshire Supreme Court has concluded that education is important and, in fact, that it must be sufficiently funded in every one of our communities. The Court did not say, as some would have you believe, that the New Hampshire Legislature has to change our tax system or our commitment to local control.

I am submitting legislation to improve upon the Augenblick formula in the following ways:

First, we are going to focus on the difference between fiscal capacity and the cost of quality education and we are going to guarantee every community in need that they have the money to educate their children.

Second, how are we going to determine fiscal capacity? By looking at the tax base, the income levels and any other relevant factors.

Third, current and accurate statistical data will be used to ensure that State aid does not lag behind the actual fiscal conditions in a community.

That will mean that the Augenblick formula will be used for the purpose it was intended: to help communities that need it most. Under the strict application of the formula, there are some communities on the upper side that will go on the bottom side and some on the bottom side that will go to the upper side. Since it has been 10 years since we created the formula, and I want every city and town to have the opportunity to plan, I propose that we phase in the revision.

I also am pleased to report that when you consider the new money that we have committed to the kindergarten program, I think you will find that we have given every community the opportunity to benefit. We should not provide a windfall to any community, but we should attempt to stabilize education funding at a level that insures quality.

Within the next few days, a detailed analysis of both the kindergarten program and the revisions of the Augenblick formula will be available at the Department of Education. When you have seen both, I think you will be pleasantly surprised.

I am also recommending Capital Projects in the biennium of nearly \$67 million in general funds and \$4.6 million in other funds. That is well within the range that bonding agencies look for.

I am recommending a new court facility in Lancaster and I am also recommending an addition to the overcrowded Supreme Court Building. I have visited both facilities and toured them before making that decision. Having said that, I want to say a word about court buildings. We must slow the pace of building new courts because building them is only the beginning. We have to run them after we build them. It is almost easier to build them than it is to run them.

We recently built the Concord District Court for \$2.7 million. The rent, right now, is \$60,000 per year and in addition to that we pay \$114,000 to keep it running. That does not count the personnel cost of the judges. The Franklin District Court costs us \$14,000 per year in rent but \$197,000 in operating costs. The Derry District Court cost us \$25,000 per year in rent, but \$264,000 per year in operating costs. My point is this: as we continue to move forward, please consider the impact that building new courts has. We should never underestimate the costs.

I also have recommended \$6.8 million to solve, once and for all, the air problem in the Health and Human Services building. If I put money into the next biennial budget and say for the last time we are going to solve it, one of these days we are going to solve it. I have been told this will solve it.

The Department of Environmental Services has made some positive changes and we are going to recommend \$18.2 million to leverage that to \$94.9 million in Super Fund money, Drinking Water Programs and Waste Water Programs that go to the local level to help local communities.

I have also made an \$805,000 appropriation for the R.M. Flynn Fire Academy. This trains local firemen. Fire personnel who are properly trained will not be injured as often and they will provide even better services to the communities. There also is money in there for the Americans with Disabilities Act and Postsecondary Education.

Let me close by saying this. I want to assure you that I will meet you more than halfway. I will work with you every day of this legislative session to get the best possible budget for the citizens of New Hampshire. Our budget cannot include broad-based taxes; it cannot include new taxes; and it cannot include higher spending. Our citizens want us to do business in a new and better way, and that is precisely what we are going to do together. Thank you very much.

Sen. Colantuono and Rep. Ann Torr moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

## RECESS

(Speaker Burns in the Chair)

### REGULAR CALENDAR (Cont'd.)

**HB 228**, prohibiting a person from working at a polling place as an election officer if a member of the officer's immediate family is on the ballot. RE-REFER TO COMMITTEE

Rep. Betsy Coes for Constitutional and Statutory Revision: This bill attempts to address the problem of immediate family members working as election officials when a family member is on the ballot. Scarcity of willing election officials makes this a problem in small towns where no alternative can be found. The Committee would like to study exempting certain towns, based on population. Thus, Re-refer. Vote 11-4.

Adopted.

Rep. Amidon declared a conflict of interest and did not participate.

**HB 336**, prohibiting the holding of a lottery to encourage people to vote, or not to vote. INEXPEDIENT TO LEGISLATE

Rep. Randall F. Shaw for Constitutional and Statutory Revision: The problem with this bill is the definition of any form of lottery. The Committee majority believes that this change to RSA 659:40 would be difficult to enforce. Vote 11-3.

Rep. Jacobson spoke against.

Adopted.

**HB 232**, changing the date of final written notification for teachers who are not being renominated or elected from March 31 to April 30. OUGHT TO PASS

Rep. Susan B. Durham for Education: The committee felt that changing this date will be helpful to school districts that may not know their final budgets until after March 30th and want to avoid "pink slipping" many employees unnecessarily. Vote 14-2.

Adopted and ordered to third reading.

**HB 274**, establishing a committee to study the feasibility of hauling solid waste by rail. **OUGHT TO PASS WITH AMENDMENT**

Rep. M. Kathryn Aranda for Environment and Agriculture: This bill establishes a study committee; the amendment corrected the appointment mechanism for committee members. Vote 12-4.

**Amendment (1010L)**

Amend paragraph III of section 1 of the bill by replacing it with the following:

III. The legislature, therefore, finds it appropriate to study the feasibility of moving solid waste by railroad in New Hampshire to cogeneration facilities over both private and state-owned rail lines.

Amend the bill by replacing section 2 with the following:

2 Committee Established. There is hereby established a committee to study the feasibility of hauling solid waste by rail. The committee shall be composed of the following:

I. Two representatives from the committee on transportation, appointed by the speaker of the house.

II. One representative from the committee on environment and agriculture, appointed by the speaker of the house.

III. One senator from the committee on environment, appointed by the president of the senate.

IV. One senator from the committee on transportation, appointed by the president of the senate.

V. The chief of the bureau of railroads and public transportation, or designee.

VI. The director of the division of waste management, department of environmental services, or designee.

VII. A representative of the New Hampshire Municipal Association recommended by the executive director of the association and appointed by the governor and council.

VIII. A member of the general public from New Hampshire who is knowledgeable in the field of solid waste management and cogeneration, appointed by the governor and council.

Adopted.

Report adopted and ordered to third reading.

**HB 411**, establishing a committee to review the public benefit requirement in the solid waste statutes. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Trelfa for Environment and Agriculture: The sponsors of the bill felt an Environment-and-Agriculture-appointed committee, meeting through the summer, could develop suitable criteria for "public benefit" requirements in the solid waste statutes. Vote 18-0.

Adopted.

**HB 627**, requiring the New Hampshire commission on interstate cooperation to renegotiate the interstate solid waste compact. **INEXPEDIENT TO LEGISLATE**

Rep. M. Kathryn Aranda for Environment and Agriculture: Committee recommendation follows the sponsors' request. These issues will be dealt with by other legislation in the future. Vote 17-0.

Adopted.

**HB 587-FN**, permitting department heads to authorize travel expenses. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sharon L. Nordgren for Finance: This bill cuts down on bureaucratic paperwork that benefits neither the public nor the department heads. The Executive Councilors have a heavy workload and in any case should not be micro-managing travel for state employees. Vote 17-6.

**Amendment (1232L)**

Amend the bill by replacing section 1 with the following:

1 Department Commissioners Authority to Authorize Out-of-State Travel Expenses. Amend RSA 9:26 to read as follows:

9:26 Exception. The provisions of RSA 9:25 shall not apply to expenses for trips incident to the regular conduct of state business when undertaken by only one person within a department *regardless of the geographic location, and when undertaken by up to 4 persons within a de-*

*partment, [and provided such] when travel is limited to the New England states and to the District of Columbia. All trips [are] authorized shall be* within the department's available appropriations and funds.

AMENDED ANALYSIS

This bill authorizes certain out-of-state travel expenses for department personnel without the prior approval of the governor and council.

Adopted.

Report adopted and ordered to third reading.

**HB 182-FN**, relative to inspection of buildings for indoor air quality. **INEXPEDIENT TO LEGISLATE**

Rep. Alson W. Brown for Health, Human Services and Elderly Affairs: Although this legislation has great merit and undoubtedly is necessary, the committee, after much study, feels that the problem of indoor air quality is a local issue and best handled on that basis. The committee urges that the NH Department of Public Health use every vehicle at its disposal to inform and educate municipalities and school districts of the health hazards of poor indoor air quality and to provide recommendations for correction of problems. Vote 18-1.

Adopted.

SPECIAL ORDER

Rep. Robert Wollner moved that **HB 268**, establishing a committee to study the issue of the elderly and the cost of prescription drugs, be made a special order for Thursday, February 16, 1995.

Adopted.

REGULAR CALENDAR (Cont'd.)

**HB 282**, implementing recommendations of the Centers for Disease Control and Prevention relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes. **OUGHT TO PASS**

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: The committee voted unanimously to once again support the repeal of the prescriptive law for needles and syringes. We are one of ten states that have such a law. Statistics show that in those states the incidence of HIV infection amongst IV drug users is much higher. There is no evidence to support the claim that having access to sterile needles will increase drug use or encourage people to start taking drugs. It should be the policy of the state to do what it can to curb the spread of this fatal disease. Vote 20-0..

Rep. Haettenschwiller yielded to questions.

Rep. Cobbin requested a roll call; sufficiently seconded. The question being the adoption of the report.

YEAS 247 - NAYS 87

YEAS 247

BELKNAP

Boriso, Thomas	Dewhirst, Glenn	Hurt, George	Laflam, Robert
Lawton, Robert	Rice, Thomas, Jr.	Rosen, Ralph	Smith, Linda
Thomas, John	Wendelboe, Francine	Ziegra, Alice	

CARROLL

Babson, David, Jr.	Bradley, Jeb	Cooper, Kipp	Dickinson, Howard, Jr.
Foster, Robert	Howard, Godfrey	Kenney, Joseph	Patten, Betsey
Philbrick, Donald			

CHESHIRE

Avery, Stephen	Burnham, Daniel	DePecol, Benjamin	Feuer, Joseph
Hunt, John	Kingsbury, H. Thayer	Metzger, Katherine	Pratt, Irene
Richardson, Barbara	Riley, William	Robertson, Timothy	Smith, Edwin
Steere, Myron, III	Wollner, Robert		



**COOS**

Bradley, Paula	Coulombe, Yvonne	Davis, Perley	Guay, Lawrence
Hawkinson, Marie	Horton, Lynn	Mayhew, Josephine	Mears, Edgar
Pratt, Leighton			

**GRAFTON**

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Connolly, Steven	Crory, Elizabeth	Eaton, Stephanie	Guest, Robert
Hill, Richard	LaMott, Paul	Larson, Nils, Jr.	Lovett, Sidney
MacNeil, Allen	Nordgren, Sharon	Phinney, William	Scanlan, David
Teschner, Douglass	Trelfa, Richard	Williams, William, Jr.	

**HILLSBOROUGH**

Ahern, Richard	Aksten, Cheryl	Alukonis, David	Amidon, Eleanor
Andrews, Frederick	Arnold, Thomas, Jr.	Asselin, Robert	Baroody, Benjamin
Barry, Janet	Bergeron, Normand	Buckley, Raymond	Calawa, Leon, Jr.
Chabot, Robert	Champagne, Norma	Cote, David	Desmarais, Vivian
Desrosiers, William	Dokmo, Cynthia	Durham, Susan	Dwyer, Paul, Sr.
Dyer, Merton	Emerton, Lawrence, Sr.	Feng, David	Fenton, James
Ferguson, Charles	Foster, Linda	Franks, Suzan	Gagnon, Eugene
Haettenschwiller, Alphonse	Hall, Betty	Hallyburton, Margaret	Hart, Nick
Herman, Keith	Holden, Carol	Holley, Sylvia	Hussey, Mary
Jean, Loren	Johnson, Lionel	Kelley, Robert	Kurk, Neal
LaRose, Richard	Laughlin, J. Francis	Lefebvre, Roland	Legacy, Earl
Lozeau, Donnalee	MacGillivray, Jeffrey	Martin, Mary	McCarthy, William
McCarty, Winston	McRae, Karen	Melcher, Harold	Mercer, Robert
Messier, Irene	Milligan, Robert	O'Hearn, Jane	O'Rourke, Joanne
Pappas, Marc	Perkins, Paul	Peters, Stanley	Philbrook, Paula
Reidy, Frank	Sallada, Roland	Sargent, Maxwell	Showerman, Peter
Soucy, Donna	Streeter, Janice	Sullens, Joan	Taylor, Paul
Toomey, Kathryn	Turgeon, Roland	Wells, Peter, Sr.	Wheeler, Craig
White, John			

**MERRIMACK**

Chandler, Charles	Chandler, John	Coughlin, Anne	Crosby, Toni
Crowell, Peter	Daneault, Gabriel	DeStefano, Stephen	Dunn, Miriam
Feuerstein, Martin	Fraser, Marilyn	Hess, David	Holmes, Mary
Jacobson, Alf	Kennedy, Richard	Lamach, Bernard	MacKay, James
Moore, Carol	Newland, Matthew	Nichols, Avis	Owen, Derek
Patenaude, Amy	Pfaff, Terence	Pitman, Mary Ellen	Rogers, Katherine
Shaw, Randall	Trombly, Rick	Varsalone, Robert	Wallner, Mary Jane
Warner, Richard	Whalley, Michael	Whittemore, James	Willis, Jack
Yeaton, Charles			

**ROCKINGHAM**

Abbott, Dennis	Attar, Kevin	Beaulieu, Jon	Belanger, Ronald
Camm, Kevin	Carson, Gregory	Case, Margaret	Christie, Andrew, Jr.
Clark, Vivian	Coes, Betsy	Conroy, Janet	Dolan, Richard
Dowling, Patricia	Dunham, Vivian	Fesh, Robert	Flanagan, Natalie
Flanders, John, Sr.	Gage, Beverly	Gargiulo, Louis	Gorman, Donald
Hurst, Sharleene	Johnson, Robert	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Kruse, Fred	Langley, Jane
Magoon, Harold	McCarthy, John, Jr.	McGovern, Cynthia	McKinney, Betsy
Morris, Debbie	Noyes, Richard	Pantelakos, Laura	Pratt, Katharin
Putnam, Ed, II	Raynowska, Bernard	Rubin, George	Sabella, Norma
Simmons, John Anthony	Stritch, C. Donald	Syracusa, Anthony	Tufts, J. Arthur
Vaughn, Charles			

### STRAFFORD

Berube, Roger	Brown, George	Chagnon, Ronald	DeChane, Marlene
Douglass, Clyde	Dunlap, Patricia	Grassie, Anne	Hambrick, Patricia
Hemon, Roland	Keans, Sandra	Loder, Suzanne	Lundborn, Raymond
Merrill, Amanda	Merritt, Deborah	Musler, George	Snyder, Clair
Spear, Barbara	Steadman, Frederick	Sullivan, Henry	Tessimond, Shane
Torr, Ann	Torr, Ralph	Vincent, Francis	Wall, Janet
Wheeler, Katherine	Williams, Howard		

### SULLIVAN

Adler, Rudolf	Behrens, Thomas	Cloutier, John	Krueger, Richard
Schotanus, Merle	Scott, Robert	Stettenheim, Sandy	Whipple, Allen

### NAYS 87

### BELKNAP

Cain, Thomas	Golden, Paul	Holbrook, Robert	Johnson, James
Turner, Robert			

### CARROLL

Beach, Mildred	Lyman, L. Randy	Mock, Henry
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### CHESHIRE

Cole, Stacey	Laurent, John
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### COOS

Coulombe, Henry	Merrill, Gerald	St. Hilaire, Paul
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### GRAFTON

Brown, Channing	Cobbin, Philip	Mirski, Paul	Tucker, John
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### HILLSBOROUGH

Belvin, William	Boutin, David	Bridgewater, Charles	Burke, M. Virginia
Cepaitis, Elizabeth	Clegg, Robert, Jr.	Cote, Peter	Daniels, Gary
Dykstra, Leona	Francoeur, Gary	Gibson, John	Gotham, Rita
Goulet, Maurice	Hunter, Bruce	Kane, Laura	Kirby, Thomas
Krochmal, Mark	L'Heureux, Robert	Luebker, Bernard	Marcinkowski, Michael
Mittelman, David	Moncrief, Keith	Packard, Bonnie	Pepino, Leo
Riley, Frances	Searles, Stanley, Sr.	Soucy, Richard	Thulander, O. Alan
Wheeler, Robert	White, Donald	Wright, George	

### MERRIMACK

Adams, Stephen	Barberia, Richard	Brown, Mary	Buessing, Marjorie
Chandler, Earle	Langer, Ray	Lockwood, Robert	Morrill, Olive

### ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Bishop, Franklin	Boucher, William
Dodge, Robert	Dowd, Sandra	Flanders, David	Goddard, Warren
Henderson, Warren	Klemm, Arthur, Jr.	Kobel, Rudolph	Lupien, James
Malcolm, Ken	Packard, Sherman	Ross, James	Scanlon, Edward
Smith, Arthur	Stone, Joseph	Sytek, Donna	Sytek, John
Weare, Everett	Welch, David	Weyler, Kenneth	Yennaco, Carol

### STRAFFORD

Callaghan, Frank	Hanlon, Mark	Knowles, William	McKinley, Robert
Reynolds, Charles	Wasson, Richard		

### SULLIVAN

Lindblade, Eric

adopted and ordered to third reading.

**HB 566-FN-L**, relative to AIDS testing for persons performing a public service. **INEXPEDIENT TO LEGISLATE**

Rep. Alphonse A. Haettenschwiler for Health, Human Services and Elderly Affairs: It was the consensus of the committee that this change to the RSAs creates more difficulties than it would resolve. Current RSAs (Chapters 141-F and -G and 151-B) cover the areas of concern in this proposed legislation. Vote 18-0.

Rep. Arnold moved Recommit to Committee and spoke in favor.

Reps. Robert Foster, Haettenschwiler and Lozeau spoke against.

The motion failed.

Report adopted.

**HB 541-FN-L**, making the state court system financially self-supporting. **INEXPEDIENT TO LEGISLATE**

Rep. Sandra Balomenos Keans for Judiciary and Family Law: While the concept of this bill may be attractive on first impression, it fails on careful scrutiny. In order to make the state courts financially self-sustaining, court fees would have to be increased a minimum of 798 percent, and possibly as much as 1,197 percent! For example, the fee in small claims court would have to be increased from \$25 today to \$225, up to \$324. In addition, there is nothing in the bill to exempt the state from paying fees in all criminal cases. Finally, imposition of fees at this level would restrict access to the courts so severely and to such a large segment of our population as to almost certainly violate Article 14, Part 1 of the New Hampshire Constitution. Vote 12-0.

Adopted.

**HB 474-FN**, relative to unemployment compensation. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: RE-REFER TO COMMITTEE.**

Rep. Wanda McNamara for the Majority of Labor, Industrial and Rehabilitative Services: This bill seeks to allow a dependency allowance to the dependents of a person who is drawing unemployment compensation. This then becomes a needs-based system rather than an unemployment compensation system. This would become an unfunded liability on the unemployment compensation trust fund. It also would create a special class of job seekers by exempting union members from required job search reports. Therefore, the committee urges inexpedient to legislate. Vote 13-3.

Rep. J. Francis Laughlin for the Minority of Labor, Industrial and Rehabilitative Services: The bill currently is poorly written. But, given the proper time to study this matter something good could come out of it. Therefore, the minority urges that the bill be re-referred for further study.

Majority report adopted.

**HB 553-FN-A**, relative to workers' compensation coverage for emergency services employees who contract blood transmitted diseases and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Gary L. Daniels for Labor, Industrial and Rehabilitative Services: This bill, as written, violates Article 28a. In addition, it reverses the burden of proof, making an assumption that an emergency services employee who contracts a blood-transmitted disease did so while on the job. This prima facie presumption continues for a period of 20 years from the date of the emergency services employee's retirement. Therefore, the committee urges inexpedient to legislate. Vote 13-3.

Adopted.

**SPECIAL ORDERS**

Reps. Ann Torr and Buckley moved that the remainder of the bills on the Regular Calendar be special ordered to Thursday, February 16, 1995.

Adopted.

Rep. Amanda Merrill addressed the House on the Ethics Guidelines.

**APPROVED REVISIONS TO ETHICS GUIDELINES****TESTIMONIAL CONTRIBUTIONS ADVISORY**

In response to a request for an interpretation as to the application of Section IV, 6(f) of the Ethics Guidelines as it relates to testimonials held for legislators, the Committee determined that

the limit contained therein, i.e., less than \$250.00 in aggregate from any single source in any calendar year, does apply to receipts from testimonials. In reaching this determination, the Committee has utilized the definition of testimonial as set forth in RSA 15-B:1, IV, and further adopts the procedure followed by the Secretary of State in administering RSA Ch. 15-B, i.e., for purposes of the limit, the cost of staging the testimonial may be deducted from the total price of tickets or charge for attendance.

### Amendment

#### III. Legislator's Financial Disclosure Form

Every *representative*, representative-elect, [and] *senator*, senator-elect, and officer of the House and Senate, shall file with the Secretary of State the following financial disclosure form on or before January 15 of each year for the preceding calendar year.

Effective February 15, 1995 as per RSA 14-B:3 (e) II.

### RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 16, 1995, at 1:00 p.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 111**, relative to agreements to pay compensation for abandoned property recovery.

**HB 188**, establishing a study committee concerning disclosure requirements for bonds issued by political subdivisions.

**HB 216**, requiring sales finance companies to file annual reports with the bank commissioner.

**HB 222**, relative to access to homes by manufactured housing park owners.

**HB 234**, relative to savings bank investments.

**HB 283**, relative to the application of state banking laws, relative to loan loss reserves, and repealing provisions regarding guaranty funds for savings banks and building and loan associations.

**HB 375**, relative to the interest rate on judgments.

**HB 104**, extending the reporting date for the committee to examine the development of interactive communication systems among the public schools established by 1994, 352:1, and adding entities to which the report shall be made.

**HB 185**, transferring the Christa McAuliffe planetarium commission to the department of postsecondary technical education, and repealing certain rulemaking provisions.

**HB 131-FN**, allowing the state to recover from counties funds which are paid to owners after escheatment.

**HB 485-FN**, relative to the taxation of transfers of certain estates.

**HB 486-FN**, relative to lease agreements for state equipment.

**HB 513-FN-L**, authorizing the department of justice to hire a special investigator to be funded through fees paid to the occupational regulatory boards and commissions.

**HB 364**, relative to parking privileges for persons with walking disabilities.

**HB 370**, extending the reporting date for the study requested of the Dartmouth Medical School concerning services for older adults under 1993, 358:5.

**HB 467**, allowing registered nurses employed by licensed home health care agencies to possess and administer certain noncontrolled prescription drugs under certain conditions.

**HB 598-FN**, relative to the healthy kids act.

**HB 302-L**, transferring jurisdiction over the town of Troy from the Jaffrey-Peterborough District Court to the Keene District Court.

**HB 577-FN**, altering the jurisdictional boundaries of the Northern Carroll County district court and the Plymouth-Lincoln district court.

**HB 604-FN-L**, abolishing the Pittsfield district court.

**HB 346**, requiring the Merrimack county commissioners to be elected on a rotating basis.

**HB 144**, allowing certain liquor licensees to conduct liquor tasting on licensed premises.

**HB 400**, allowing liquor licenses to be issued to limited liability companies.

**HB 456**, requiring governor and council approval for certain lease or concession contracts on state forests and reservations.

**HJR 2**, urging the members of the New Hampshire legislature to consider and support the recommendations of the Northern Forest Lands Council Study Committee.

**HB 441**, relative to the headway speed in tidal and non-tidal waters.

**HB 315-FN**, relative to the low and moderate income housing loan program.

**HB 232**, changing the date of final written notification for teachers who are not being renominated or elected from March 31 to April 30.

**HB 274**, establishing a committee to study the feasibility of hauling solid waste by rail.

**HB 587-FN**, permitting department heads to authorize travel expenses.

**HB 282**, implementing recommendations of the Centers for Disease Control and Prevention relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 4:45 p.m.

#### RECESS

Rep. Holbrook moved that the House adjourn.

Adopted.

# HOUSE JOURNAL No. 8

Thursday, February 16, 1995

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Deputy Speaker.

His Excellency, Governor Stephen Merrill, joined the Deputy Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Representative Sid Lovett, the member from Holderness.

O Thou from Whom life and truth do proceed and Whose requirements for us are to do justice and to love kindness and to walk humbly with Thee, grant unto this Legislature, now assembled, a fresh enthusiasm to meet the tasks and duties set before us. Help us to stand upright for Your values, lest we fall for anything. Spare every majority from smugness and every minority from petulance. And with healing power be with those of our family who are ill, making us ever mindful of the needs of others. Amen.

Reps. Welch, Calawa and Dyer led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Delano, Nehring, Peyron, Royce, Hansen, Doucette, Crossman, Senter, Hawkins, Patricia Cote, Hambrick and Lee, the day, illness.

Reps. Bartlett, McNamara, Ham, Flint, David Richards, Copenhaver, Merritt, Letendre, Benjamin Moore, Mark Holt, Moncrief, Trombly, Amidon, Charles Cote and David Cote, the day, important business.

## INTRODUCTION OF GUESTS

David Flanders, guest of Rep. John Flanders. Celestine Wiggins, guest of Rep. Buckley.

## SPECIAL ORDERS

**HB 268**, establishing a committee to study the issue of the elderly and the cost of prescription drugs. **INEXPEDIENT TO LEGISLATE**

Rep. Michael Morello for Health, Human Services and Elderly Affairs: It was felt that this issue should be incorporated into the state health plan. In addition, this issue is dealt with more extensively by other legislation. There is a state-wide program which makes prescription drugs available to the indigent. Vote 15-2.

Reps. Hilliard, Toomey and Robert Wollner spoke against and yielded to questions.

Reps. Morello and Wright spoke in favor.

Rep. Robert Wollner requested a roll call; sufficiently seconded. The question being the adoption of the report.

## YEAS 216 - NAYS 113

### YEAS 216

#### BELKNAP

Cain, Thomas	Dewhirst, Glenn	Golden, Paul	Holbrook, Robert
Hurt, George	Lawton, David	Rice, Thomas, Jr.	Rosen, Ralph
Thomas, John	Turner, Robert	Wendelboe, Francine	Ziegler, Alice

#### CARROLL

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey	Lyman, L. Randy

Patten, Betsey	Philbrick, Donald
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#### CHESHIRE

Avery, Stephen	Feuer, Joseph	Laurent, John	Manning, Joseph
Metzger, Katherine	Smith, Edwin	Steere, Myron, III	

#### COOS

Bradley, Paula	Davis, Perley	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	St. Hilaire, Paul		

**GRAFTON**

Bean, Pamela  
Eaton, Stephanie  
Phinney, William  
Williams, William, Jr.

Brown, Alson  
Hill, Richard  
Scanlan, David

Brown, Channing  
Larson, Nils, Jr.  
Teschner, Douglass

Connolly, Steven  
MacNeil, Allen  
Tucker, John

**HILLSBOROUGH**

Aksten, Cheryl  
Belvin, William  
Burke, M. Virginia  
Champagne, Norma  
Desrosiers, William  
Dyer, Merton  
Fenton, James  
Gagnon, Eugene  
Haettenschwiller, Alphonse  
Holden, Carol  
Johnson, Lionel  
LaRose, Richard  
MacIntyre, Doris  
Mercer, Robert  
O'Hearn, Jane  
Peters, Stanley  
Showerman, Peter  
Wells, Peter, Sr.  
Wright, George

Alukonis, David  
Boutin, David  
Calawa, Leon, Jr.  
Clegg, Robert, Jr.  
Dodge, Emma  
Dykstra, Leona  
Ferguson, Charles  
Gibson, John  
Hallyburton, Margaret  
Holt, David  
Kelley, Robert  
Legacy, Earl  
McCarty, Winston  
Milligan, Robert  
Pappas, Marc  
Riley, Frances  
Sullens, Joan  
Wheeler, Robert

Andrews, Frederick  
Bridgewater, Charles  
Cepaitis, Elizabeth  
Daniels, Gary  
Dokmo, Cynthia  
Emerton, Lawrence, Sr.  
Fields, Dennis  
Gotham, Rita  
Hart, Nick  
Hunter, Bruce  
Krochmal, Mark  
Luebkert, Bernard  
McMahon, Donald  
Mittelman, David  
Pepino, Leo  
Sallada, Roland  
Taylor, Paul  
White, Donald

Barry, Janet  
Brundige, Robert  
Chabot, Robert  
Desmarais, Vivian  
Durham, Susan  
Feng, David  
Franks, Suzan  
Goulet, Maurice  
Herman, Keith  
Jean, Loren  
Kurk, Neal  
MacGillivray, Jeffrey  
McRae, Karen  
Morello, Michael  
Perkins, Paul  
Searles, Stanley, Sr.  
Thulander, O. Alan  
Worthen, Dorothy

**MERRIMACK**

Adams, Stephen  
Chandler, Earle  
Hess, David  
Moore, Carol  
Patenaude, Amy  
Warner, Richard

Barberia, Richard  
Chandler, John  
Holmes, Mary  
Morrill, Olive  
Pflaff, Terence  
Weeks, John, Jr.

Brown, Mary  
Crowell, Peter  
Lamach, Bernard  
Newland, Matthew  
Pitman, Mary Ellen  
Whalley, Michael

Buessing, Marjorie  
Feuerstein, Martin  
MacKay, James  
Nichols, Avis  
Varsalona, Robert  
Willis, Jack

**ROCKINGHAM**

Aranda, M. Kathryn  
Belanger, Ronald  
Case, Margaret  
Conroy, Janet  
Dube, LeRoy  
Flanders, David  
Gorman, Donald  
Katsakiores, Phyllis  
Lupien, James  
McKinney, Betsy  
Putnam, Ed, II  
Scanlon, Edward  
Stritch, C. Donald  
Weare, Everett

Arndt, Janet  
Bishop, Franklin  
Christie, Andrew, Jr.  
Dodge, Robert  
Felch, Charles, Sr.  
Flanders, John, Sr.  
Haynes, Richard  
Klemm, Arthur, Jr.  
Malcolm, Ken  
Morris, Debbie  
Raynowska, Bernard  
Simmons, John Anthony  
Sytek, Donna  
Welch, David

Attar, Kevin  
Camm, Kevin  
Clark, Vivian  
Dolan, Richard  
Fesh, Robert  
Gage, Beverly  
Henderson, Warren  
Kruse, Fred  
McCarthy, John, Jr.  
Packard, Sherman  
Ross, James  
Smith, Arthur  
Sytek, John  
Weyler, Kenneth

Beaulieu, Jon  
Carson, Gregory  
Coes, Betsy  
Dowd, Sandra  
Flanagan, Natalie  
Gargiulo, Louis  
Katsakiores, George  
Lovejoy, Marian  
McGovern, Cynthia  
Pratt, Katharin  
Rubin, George  
Stone, Joseph  
Tufts, J. Arthur  
Yennaco, Carol

**STRAFFORD**

Brown, Julie  
Spear, Barbara  
Torr, Ralph

Douglass, Clyde  
Steadman, Frederick  
Wall, Janet

Dunlap, Patricia  
Torr, Ann  
Wasson, Richard

McKinley, Robert  
Torr, Franklin

**SULLIVAN**

Adler, Rudolf

Behrens, Thomas

Schotanus, Merle

Scott, Robert

**NAYS 113****BELKNAP**

Johnson, James	Lawton, Robert	Smith, Linda
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**CARROLL**

Kenney, Joseph	Mock, Henry
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**CHESHIRE**

Burnham, Daniel	Champagne, Richard	DePecol, Benjamin	Kingsbury, H. Thayer
Lynch, Margaret	McGuirk, Paul	Richardson, Barbara	Riley, William
Robertson, Timothy	Russell, Ronald	Wollner, Robert	

**COOS**

Coulombe, Henry	Coulombe, Yvonne	Hawkinson, Marie	Mayhew, Josephine
Mears, Edgar			

**GRAFTON**

Below, Clifton	Chase, Paul, Jr.	Crory, Elizabeth	Lovett, Sidney
Nordgren, Sharon			

**HILLSBOROUGH**

Ahern, Richard	Asselin, Robert	Bergeron, Normand	Buckley, Raymond
Clemons, Jane	Cote, Peter	Dwyer, Paul, Sr.	Foster, Linda
Francoeur, Gary	Holley, Sylvia	Hussey, Mary	Jean, Claudette
Kane, Laura	Kirby, Thomas	L'Heureux, Robert	Laughlin, J. Francis
Lefebvre, Roland	Lozeau, Donnalee	Marcinkowski, Michael	Martin, Mary
McCarthy, William	Melcher, Harold	Reidy, Frank	Soucy, Donna
Soucy, Richard	Streeter, Janice	Toomey, Kathryn	Turgeon, Roland
Wheeler, Craig	White, John		

**MERRIMACK**

Chandler, Charles	Coughlin, Anne	Crosby, Toni	Daneault, Gabriel
DeStefano, Stephen	Dunn, Miriam	Fraser, Marilyn	Jacobson, Alf
Langer, Ray	Owen, Derek	Rogers, Katherine	Wallner, Mary Jane
Yeaton, Charles			

**ROCKINGHAM**

Abbott, Dennis	Battles, Marjorie	Dunham, Vivian	Gleason, John
Goddard, Warren	Hurst, Sharleene	Hutchinson, Karen	Johnson, Robert
Kane, Cecelia	Kelley, Jane	Kobel, Rudolph	Langley, Jane
Magoon, Harold	Nowe, Ronald	Noyes, Richard	Pantelakos, Laura
Sabella, Norma	Splaine, James	Syracusa, Anthony	Vaughn, Charles

**STRAFFORD**

Berube, Roger	Callaghan, Frank	Chagnon, Ronald	DeChane, Marlene
Grassie, Anne	Hilliard, Dana	Knowles, William	Loder, Suzanne
Lundborn, Raymond	McCann, William, Jr.	Merrill, Amanda	Pelletier, Arthur
Reynolds, Charles	Snyder, Clair	Sullivan, Henry	Tessimond, Shane
Vincent, Francis	Wheeler, Katherine	Williams, Howard	

**SULLIVAN**

Allison, David	Cloutier, John	Palmer, Lorraine
Stettenheim, Sandy		
Whipple, Allen		

and the report was adopted.

Rep. Cooper did not vote and intended to vote nay.



**HB 177**, relative to zoning requirements for family day care homes. INEXPEDIENT TO LEGISLATE

Rep. Thomas E.P. Rice, Jr. for Municipal and County Government: All local government now has the authority to do what is "authorized" by this bill. The committee declines to usurp local self determination. However, the purpose for this bill is to be applauded. Vote 11-5.

Adopted.

**HB 331-L**, relative to elderly property tax exemptions for persons with no social security income. RE-REFER TO COMMITTEE

Rep. Thomas A. Behrens for Municipal and County Government: The committee intends to utilize this bill to address and recodify the RSA's dealing with elderly exemptions. Accordingly, the committee will consider the material in HB 349, HB 305, HB 293, and HB 617 as part of this process. We respectfully request the re-referral of this bill. Vote 15-0.

Adopted.

**HB 145**, establishing a committee to study the problem of noise pollution. INEXPEDIENT TO LEGISLATE

Rep. David B. Holt for Science, Technology and Energy: The committee believes that the state will have great difficulty in determining a noise pollution standard appropriate for everywhere in the state. Furthermore, this bill would remove local control. However, the committee believes this issue deserves further consideration. Therefore, an ad hoc study committee will be formed by members of the Science, Technology and Energy Committee. Vote 13-1

Adopted.

**HB 194**, relative to the equipment required on all terrain vehicles. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Sherman A. Packard for the Majority of Transportation: This bill eliminates the requirement that four-wheel All Terrain Vehicles sold in New Hampshire be built to a different standard from those sold in 48 other states by eliminating the on-all-the-time light requirement which is not required on trail bikes and small ATV's. This will bring NH law into agreement with consumer product safety commission requirements (Federal ATV Regulatory Agency.) It should be noted that no testimony was received against this bill including that of the NH Fish and Game Department which is responsible for enforcement of Off Highway Recreational Vehicle laws in NH. Vote 10-8.

Rep. Fred A. Kruse for the Minority of the Committee on Transportation: This bill removes All Terrain Vehicle safety equipment provisions currently in place. No longer will an ATV be required to have a headlight that goes on when the vehicle is operating and the requirement for an operating brake light is deleted. This change in the law will reduce the ability to detect a moving ATV at long distances and will completely delete our ability to detect braking actions.

On a division vote, 203 members having voted in the affirmative and 110 in the negative, the Majority report was adopted and the bill was ordered to third reading.

**HB 528-FN**, authorizing the department of safety to issue special amateur radio operator plates and related fees. INEXPEDIENT TO LEGISLATE

Rep. Kenneth W. Malcolm for Transportation: This bill is unnecessary because the subject of special plates is covered in HB 151 now being processed by the committee after several months of study. Vote 10-5.

Adopted.

**HB 301**, prohibiting certain evidence in sexual assault cases. OUGHT TO PASS WITH AMENDMENT

Rep. Richard E. Dolan for Corrections and Criminal Justice: This bill is designed to clarify the intent and spirit of the law by stating that the victim's manner of dress at the time of the sexual assault shall not be admitted as evidence in any prosecution under this chapter to infer consent. Vote 20-0.

**Amendment (1214L)**

Amend RSA 632-A:6, III-a as inserted by section 1 of the bill by replacing it with the following:

III-a. The victim's manner of dress at the time of the sexual assault shall not be admitted as evidence in any prosecution under this chapter to infer consent.

### AMENDED ANALYSIS

This bill mandates the exclusion of evidence relative to the victim's manner of dress in sexual assault cases if the purpose for such evidence is to infer consent.

Adopted.

Report adopted and ordered to third reading.

**HB 421**, establishing a joint committee to examine the best way to ensure an efficient system of criminal prosecution at the district and superior court level. **OUGHT TO PASS**

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: This bill creates a formal setting to bring together House and Senate members to study prosecution. This proposal encourages participation from people in the field of criminal justice. Based on all the complexity of the issues and impending deadlines, the ability to work on this important part of our system in a less demanding atmosphere will benefit all. Vote 19-0.

Adopted and ordered to third reading.

**HB 483-FN**, requiring a plea bargaining agreement to be submitted to the court for judgment at least 2 weeks prior to the trial date. **INEXPEDIENT TO LEGISLATE**

Rep. Patricia A. Hambrick for Corrections and Criminal Justice: While the committee certainly appreciates the intent of this bill, we feel it may have the effect of causing an increased number of cases — those settled at the very last minute when a witness cannot be located or defendant gets a look at the jury — to go to trial, further clogging the courts. Vote 16-3.

Rep. Robert Dodge spoke against.

Rep. Donna Sytek spoke in favor and yielded to questions.

Rep. Robert Dodge requested a roll call; not sufficiently seconded.

Adopted.

**HB 546-FN-A-L**, relative to a statewide school tax on income and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Frances L. Riley for Finance: This bill would establish a statewide school tax, the rate to produce \$5,000/pupil/year, and fund education for the following year. It would also repeal the interest and dividends tax, the Augenblick formula and revenue sharing. The committee felt this legislation was too broad and contained too many elements to be considered, most prominent being the DRA's projection of a \$50.7 million shortfall. Vote 21-1.

Rep. Jacobson spoke against.

Rep. Channing Brown spoke in favor.

Adopted.

### MOTION TO PRINT REMARKS

Rep. Donna Soucey moved that the remarks of Rep. Jacobson on HB 546 be printed in the Journal.

On a division vote, 164 members having voted in the affirmative and 170 in the negative, the motion failed.

### SPECIAL ORDERS (Cont'd.)

**HB 525-FN**, relative to nonpublic sessions under the right-to-know law. **INEXPEDIENT TO LEGISLATE**

Rep. Sandra Balomenos Keans for Judiciary and Family Law: This would force the disclosure of some information which for various reasons, personnel regulations or legal matters, would cause problems for the community if released too early. It is true that minutes are often sealed and forgotten but this is not the solution. Vote 18-0.

Adopted.

**HB 155**, exempting landing areas of certain privately owned airports from property taxation. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: The committee feels that once again the towns are being asked to solve a regional problem. This bill would not solve the problems of private airports and this transportation policy should be dealt with as statewide policy. Vote 17-0.

Rep. Weyler spoke against.

Rep. Behrens spoke in favor.

On a division vote, 237 members having voted in the affirmative and 96 in the negative, the report was adopted.

**HB 340**, relative to electing certain county officers to 4-year rather than 2-year terms. **OUGHT TO PASS**

Rep. Katherine H. Metzger for Municipal and County Government: The committee feels that a four-year term is advantageous because of the time and expense required to campaign for office every two years. Also, a four-year term may encourage more people to run for the office. The positions cited in this bill are administrative positions rather than policy positions. All testimony favored the bill. Vote 14-0.

Rep. Henderson moved Recommit to Committee.

Rep. Behrens spoke in favor.

Adopted.

**HB 298**, relative to the rulemaking authority of the police standards and training council and permitting the council to delegate certain powers and duties to the director of police standards and training. **OUGHT TO PASS**

Rep. Yvonne Coulombe for Public Protection and Veterans Affairs: This bill permits the Police Standards and Training Council, with the approval of the board of governors of postsecondary technical education, to allow for tuition students and associated fees for such students. It further exempts the curriculum tuition and student performance requirements of the Police and Corrections Academies for the provisions of RSA 541-A. The intent of this bill is to allow students to become certified to hold certain law enforcement and correctional positions before appointment and at their own expense. Small police departments could acquire these individuals who are pre-certified at their own expense. Vote 13-0.

Rep. Welch moved Recommit to Committee and spoke in favor.

Adopted.

**HB 574-FN-L**, requiring seatbelts on all buses transporting school children. **INEXPEDIENT TO LEGISLATE**

Rep. Henry P. Mock for Transportation: Testimony before the committee revealed that of the 2000 school buses operating and transporting 178,000 students daily in New Hampshire, approximately half are structurally capable for seatbelt installation. The cost to install lap belts in a seatbelt-ready bus would be about \$1200, but \$10,000-plus for a non-seatbelt-ready vehicle. Further, this legislation would be a clear violation of Part First Art. 28-A of the Constitution relative to unfunded mandates. Vote 12-0.

Adopted.

## RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 2, 1995 at 1:00 p.m.

Adopted.

## LATE SESSION

### Third reading and final passage

**HB 194**, relative to the equipment required on all terrain vehicles.

**HB 301**, prohibiting certain evidence in sexual assault cases.

**HB 421**, establishing a joint committee to examine the best way to ensure an efficient system of criminal prosecution at the district and superior court level.

## UNANIMOUS CONSENT

Rep. Jacobson addressed the House.

Rep. Lockwood moved that the remarks of Rep. Jacobson be printed in the Journal.

Adopted.

Fifty years ago, on Sunday, I landed on Iwo Jima. Each year I have been in the Legislature, I have wanted to say something in memory of my fellows on Iwo.

Aside: I don't know what is happening to me, I have gotten emotional.

But, I do want to say that those 6,821 Marines died so that you and I could be more free and to enjoy our lives even as I have had the great privilege of enjoying these 50 years that my fellow Marines did not have the opportunity to enjoy.

Thank you.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 2:20 p.m.

## RECESS

### NOTICE OF RECONSIDERATION

Having voted with the prevailing side, Rep. Pantelakos served notice today, Thursday, February 16, 1995, that on some subsequent day as limited by the rules, she would move that the House reconsider its action whereby it found **HB 574-FN-L**, requiring seatbelts on all buses transporting school children, Inexpedient to Legislate.

## RECESS

(Rep. Mock in the Chair)

### RESOLUTION

Rep. George Katsakiores offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills 35, 44, 52, 53, 66, 67, 75, 83 and 102 and SCR 1 and CACR 11, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF SENATE BILLS and CACR

#### First, second reading referral

**SB 35**, relative to the conversion of mutual insurers. (Commerce, Small Business, Consumer Affairs and Economic Development)

**SB 44**, relative to acknowledgments by a notary public. (Judiciary and Family Law)

**SB 52**, relative to condominium associations. (Commerce, Small Business, Consumer Affairs and Economic Development)

**SB 53**, establishing a committee to study issues relative to real estate appraisers. (Executive Departments and Administration)

**SB 66**, relative to planning board procedures on plats. (Municipal and County Government)

**SB 67**, relative to the recording of plats and relative to the power to review site plans. (Municipal and County Government)

**SB 75**, responding to the passage of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994. (Commerce, Small Business, Consumer Affairs and Economic Development)

**SB 83**, allowing on-sale beverage and wine licensees to provide dancing on their licensed premises. (Regulated Revenues)

**SB 102**, allowing for discharges of mortgages by affidavit. (Commerce, Small Business, Consumer Affairs and Economic Development)

**SCR 1**, relative to unfunded federal mandates. (State-Federal Relations)

**CACR 11**, relating to 6-person juries. Providing that a 12-person jury is required in capital cases and when imprisonment may be more than one year, but that other juries shall consist of 6 persons. (Constitutional and Statutory Revision)

## RECESS

(Rep. Donna Sytek in the Chair)

### RESOLUTION

Their introduction having been approved by the Rules Committee:

Rep. Senter offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills 53 through 56, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## **INTRODUCTION OF HOUSE BILLS**

### **First, second reading and referral**

**HB 53-FN**, relative to information technology management and relative to the information technology management advisory board. (A. Torr, Straf 12: Executive Departments and Administration)

**HB 54-FN**, relative to the permanently and totally disabled and aid to families with dependent children. (A. Torr, Straf 12: Finance)

**HB 55-FN-A**, to address anticipated budget shortfalls in the department of health and human services. (A. Torr, Straf 12: Finance)

**HB 56-FN-A**, relative to the interest and dividends tax and relative to certain credits against the business profits tax. (A. Torr, Straf 12: Finance)

## **RESOLUTION**

Rep. Senter offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills 13, 23, 25, 37, 54, 56, 78, 112, 125 and CACR 9 and 10, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

## **INTRODUCTION OF SENATE BILLS AND CACRs**

### **First, second reading referral**

**SB 13**, deleting the bank commissioner's authority to adopt rules regarding the conversion of credit unions from mutual to stock form. (Commerce, Small Business, Consumer Affairs and Economic Development)

**SB 23**, limiting the liability of municipalities operating facilities for skateboarding, rollerblading or rollerskiing. (Judiciary and Family Law)

**SB 25**, relative to case management by the state in lead paint poisoning cases. (Health, Human Services and Elderly Affairs)

**SB 37**, exempting certain organizations' recreation programs from state child day care licensing requirements. (Judiciary and Family Law)

**SB 54**, relative to lead paint. (Judiciary and Family Law)

**SB 56-FN**, allowing lenders to provide copies of loan documents marked "paid in full" or "cancelled" upon full repayment of closed-end loans. (Commerce, Small Business, Consumer Affairs and Economic Development)

**SB 78**, relative to funeral directors' burial plan funds. (Commerce, Small Business, Consumer Affairs and Economic Development)

**SB 112-L**, relative to discontinuance of highways. (Public Works and Highways)

**SB 125-FN-L**, abolishing the New Hampshire retirement system special reserve account. (Executive Departments and Administration)

**CACR 9**, returning annual legislative sessions to biennial legislative sessions. (Constitutional and Statutory Revision)

**CACR 10**, relating to the governor's veto power. Providing that the governor shall have line item reduction and line item veto power of items of appropriation in any bill making appropriations of money. (Constitutional and Statutory Revision)

## **RECESS**

**(Rep. Leighton Pratt in the Chair)**

## **RESOLUTION**

Its introduction having been approved by the Rules Committee:

Rep. Ann Torr offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 25, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF HOUSE BILL****First, second reading and referral**

**HB 25-A**, making appropriations for capital improvements and establishing a committee to oversee and set priorities for certain appropriations. (G. Chandler, Carr 1; Keough, Dist 23: Public Works and Highways)

**RECESS**

**(Rep. Conroy in the Chair)**

**RESOLUTION**

Their introduction having been approved by the Rules Committee:

Rep. Dowd offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 57 and 58, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 57**, granting the governor reorganization authority to reduce state general fund appropriations. (A. Torr, Straf 12: Finance)

**HB 58-FN-A**, increasing the supervision and service charge for parolees and probationers, and establishing a corrections supervision fund, and making an appropriation therefor. (A. Torr, Straf 12: Corrections and Criminal Justice)

**RECESS**

**(Rep. Perkins in the Chair)**

**RESOLUTION**

Its introduction having been approved by the Rules Committee:

Rep. Turner offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 656, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF HOUSE BILL****First, second reading and referral**

**HB 656**, permitting unpaid leaves of absence for judges. (Kurk, Hills 5; Perkins, Hills 5: Judiciary and Family Law)

Rep. Cole moved that the House adjourn.

Adopted.

# HOUSE JOURNAL No. 9

Thursday, March 2, 1995

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

Help us, O God, to arrange our priorities so that they may be attuned to the desires of Your heart. Enable us to distinguish between the merely important and the absolutely essential. And, as You hear the voices of those who cry out to You for dignity and care, help us to hear their cries as well, and so far as we are able, to be an experience for them of compassionate justice. Amen.

Reps. Beach and Robert Lawton led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Nehring, Bridgewater, Irene Pratt, Gerald Merrill, Dube, Healy, Desmarais, Searles, Delano, Peyron, Sabella and Coughlin, the day, illness.

Reps. Dewhirst, Lupien, Cobbin, Newland, David Richards, Felch, Simmons, Reynolds, Martha Fuller Clark, William McCarthy, Clemons, Palmer, Yeaton, Feuerstein, O'Hearn, Pfaff, Patricia Cote, Eaton and Dyer, the day, important business.

Reps. Charles Cote and Holmes, the day, illness in the family.

## INTRODUCTION OF GUESTS

Den leaders, Steve and Hazel Sawyer and Den 6, Pack 90 from Kingston, NH, guests of Rep. Welch. Richard Wilkes, George Blaisdell, Dave Martell, Mary Bonser and Dick Bose, guests of Rep. Hemon. Christian Battles, son of Rep. Battles. Dorothea Schack and Nick Pappas, family of Rep. Pappas. Inez Maria Haettenschwiller and Anthony Sroka, Jr., daughter and son-in-law of Rep. Haettenschwiller. Jayson Surdukowski, guest of Rep. Buckley. Jonathan Wendelboe, son of Rep. Wendleboe. Carolyn, Kristen and Kathryn Johnson, guests of the Derry Delegation. Former NH Representative Marilyn Campbell and Bernard Campbell, guests of Speaker Burns. Ellen, Casey, Allison and Kimberly DeStefano and Stacey Carl and Kayleigh Moretto, wife, daughters and guests of Rep. DeStefano. Teachers from the White Mountain Regional High School and members of the White Mountain Regional Education Department, guests of Speaker Burns. Peter Robbio, guest of Rep. Boutin. Cheryl Yennaco-Van Horn, daughter of Rep. Yennaco. Barbara Steere, daughter of Rep. Steere.

## SPECIAL GUESTS

The World Champion Derry Red Star Baton Twirlers performed for the House.

## SENATE MESSAGE

### CONCURRENCE

**HB 106**, requiring that OHRV administrative license suspension be conducted pursuant to the motor vehicle administrative license suspension procedure.

## MOTION TO VACATE

Rep. Haettenschwiller moved that the House vacate the references to the Committee on Finance of **HB 54-FN**, relative to the permanently and totally disabled and aid to families with dependent children and, **HB 55-FN-A**, to address anticipated budget shortfalls in the department of health and human services, and spoke in favor.

Reps. Howard Williams and Copenhaver spoke in favor.

Rep. Cole spoke against.

Rep. Ann Torr requested a roll call; sufficiently seconded. The question being the adoption of the motion to vacate.

**YEAS 167 - NAYS 178****YEAS 167****BELKNAP**

Golden, Paul

Rice, Thomas, Jr.

Smith, Linda

**CARROLL**

Kenney, Joseph

**CHESHIRE**

Burnham, Daniel

Champagne, Richard

DePecol, Benjamin

Doucette, Richard

Kingsbury, H. Thayer

Lynch, Margaret

Manning, Joseph

McGuirk, Paul

Richardson, Barbara

Riley, William

Robertson, Timothy

Russell, Ronald

Wollner, Robert

**COOS**

Bradley, Paula

Coulombe, Henry

Coulombe, Yvonne

Davis, Perley

Hawkinson, Marie

Mayhew, Josephine

Mears, Edgar

Pratt, Leighton

St. Hilaire, Paul

**GRAFTON**

Below, Clifton

Chase, Paul, Jr.

Copenhaver, Marion

Crory, Elizabeth

Guest, Robert

Ham, Bonnie

Lovett, Sidney

Nordgren, Sharon

Phinney, William

Tucker, John

**HILLSBOROUGH**

Ahern, Richard

Allen, W. Gordon

Asselin, Robert

Barry, Janet

Bergeron, Normand

Brundige, Robert

Buckley, Raymond

Cepaitis, Elizabeth

Chabot, Robert

Cote, David

Cote, Peter

Daniels, Gary

Dodge, Emma

Drabinowicz, A. Theresa

Durham, Susan

Dwyer, Paul, Sr.

Dykstra, Leona

Ferguson, Charles

Foster, Linda

Haettenschwiller, Alphonse

Hall, Betty

Hallyburton, Margaret

Holley, Sylvia

Hunter, Bruce

Hussey, Mary

Jean, Claudette

Johnson, Lionel

Kane, Laura

Kirby, Thomas

L'Heureux, Robert

LaRose, Richard

Laughlin, J. Francis

Lefebvre, Roland

Legacy, Earl

Lozeau, Donnalee

Marcinkowski, Michael

Martin, Mary

Melcher, Harold

Messier, Irene

Milligan, Robert

Mittelman, David

Morello, Michael

O'Rourke, Joanne

Pepino, Leo

Peters, Stanley

Philbrook, Paula

Reidy, Frank

Soucy, Donna

Sullens, Joan

Taylor, Paul

Thulander, O. Alan

Toomey, Kathryn

Turgeon, Roland

Wheeler, Craig

White, Donald

White, John

**MERRIMACK**

Crosby, Toni

Daneault, Gabriel

DeStefano, Stephen

Dunn, Miriam

Fraser, Marilyn

Jacobson, Alf

Moore, Carol

Morrill, Olive

Owen, Derek

Rogers, Katherine

Trombly, Rick

Wallner, Mary Jane

Warner, Richard

Weeks, John, Jr.

Whittemore, James

**ROCKINGHAM**

Abbott, Dennis

Aranda, M. Kathryn

Battles, Marjorie

Beaulieu, Jon

Bishop, Franklin

Camm, Kevin

Clark, Vivian

Coes, Betsy

Crossman, Harold, Jr.

Dodge, Robert

Dolan, Richard

Dowling, Patricia

Gleason, John

Hutchinson, Karen

Kane, Cecelia

Katsakiores, Phyllis

Kelley, Jane

McGovern, Cynthia

Moore, Benjamin

Noyes, Richard

Pantelakos, Laura

Ross, James

Scanlon, Edward

Splaine, James

Syracusa, Anthony

Vaughn, Charles



**STRAFFORD**

Berube, Roger  
Chagnon, Ronald  
Hambrick, Patricia  
Knowles, William  
Merrill, Amanda  
Spear, Barbara  
Wall, Janet

Brown, George  
DeChane, Marlene  
Hemon, Roland  
Loder, Suzanne  
Merritt, Deborah  
Sullivan, Henry  
Wasson, Richard

Brown, Julie  
Dunlap, Patricia  
Hilliard, Dana  
Lundborn, Raymond  
Pelletier, Arthur  
Tessimond, Shane  
Wheeler, Katherine

Callaghan, Frank  
Grassie, Anne  
Keans, Sandra  
McCann, William, Jr.  
Snyder, Clair  
Vincent, Francis  
Williams, Howard

**SULLIVAN**

Allison, David  
Stettenheim, Sandy

Cloutier, John  
Whipple, Allen

Flint, Gordon

Lindblade, Eric

**NAYS 178****BELKNAP**

Bartlett, Gordon  
Johnson, James  
Thomas, John

Boriso, Thomas  
Lawton, David  
Turner, Robert

Holbrook, Robert  
Lawton, Robert  
Wendelboe, Francine

Hurt, George  
Rosen, Ralph  
Ziegler, Alice

**CARROLL**

Babson, David, Jr.  
Cooper, Kipp  
Lyman, L. Randy

Beach, Mildred  
Dickinson, Howard, Jr.  
Mock, Henry

Bradley, Jeb  
Foster, Robert  
Patten, Betsey

Chandler, Gene  
Howard, Godfrey  
Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
Laurent, John  
Smith, Edwin

Cole, Stacey  
McNamara, Wanda  
Steere, Myron, III

Feuer, Joseph  
Metzger, Katherine

Hunt, John  
Royce, H. Charles

**COOS**

Guay, Lawrence

Horton, Lynn

**GRAFTON**

Adams, Carl  
Connolly, Steven  
MacNeil, Allen  
Williams, William, Jr.

Bean, Pamela  
Hill, Richard  
Scanlan, David

Brown, Alson  
LaMott, Paul  
Teschner, Douglass

Brown, Channing  
Larson, Nils, Jr.  
Trelfa, Richard

**HILLSBOROUGH**

Aksten, Cheryl  
Arnold, Thomas, Jr.  
Calawa, Leon, Jr.  
Dokmo, Cynthia  
Francoeur, Gary  
Goulet, Maurice  
Holden, Carol  
Krochmal, Mark  
MacGillivray, Jeffrey  
McRae, Karen  
Pappas, Marc  
Sargent, Maxwell  
Wheeler, Robert

Alukonis, David  
Belvin, William  
Champagne, Norma  
Feng, David  
Franks, Suzan  
Hansen, Herbert  
Holt, David  
Kurk, Neal  
MacIntyre, Doris  
Mercer, Robert  
Perkins, Paul  
Showerman, Peter  
Worthen, Dorothy

Amidon, Eleanor  
Boutin, David  
Clegg, Robert, Jr.  
Fenton, James  
Gagnon, Eugene  
Hart, Nick  
Jean, Loren  
Letendre, Evelyn  
McCarty, Winston  
Moncrief, Keith  
Riley, Frances  
Streeter, Janice  
Wright, George

Andrews, Frederick  
Burke, M. Virginia  
Desrosiers, William  
Fields, Dennis  
Gibson, John  
Herman, Keith  
Kelley, Robert  
Luebker, Bernard  
McMahon, Donald  
Packard, Bonnie  
Sallada, Roland  
Wells, Peter, Sr.

**MERRIMACK**

Adams, Stephen  
Chandler, Earle

Barberia, Richard  
Chandler, John

Brown, Mary  
Crowell, Peter

Buessing, Marjorie  
Hess, David

Kennedy, Richard  
MacKay, James  
Varsalone, Robert

Lamach, Bernard  
Nichols, Avis  
Whalley, Michael

Langer, Ray  
Patenaude, Amy  
Willis, Jack

Lockwood, Robert  
Pitman, Mary Ellen

### ROCKINGHAM

Arndt, Janet  
Case, Margaret  
Dunham, Vivian  
Flanders, John, Sr.  
Henderson, Warren  
Klemm, Arthur, Jr.  
Lee, Rebecca  
McCarthy, John, Jr.  
Packard, Sherman  
Rubin, George  
Sytek, Donna  
Welch, David

Belanger, Ronald  
Christie, Andrew, Jr.  
Fesh, Robert  
Gargiulo, Louis  
Hurst, Sharleene  
Kobel, Rudolph  
Lovejoy, Marian  
McKinney, Betsy  
Pratt, Katharin  
Smith, Arthur  
Sytek, John  
Weyler, Kenneth

Boucher, William  
Conroy, Janet  
Flanagan, Natalie  
Goddard, Warren  
Johnson, Robert  
Kruse, Fred  
Magoon, Harold  
Morris, Debbie  
Putnam, Ed, II  
Stone, Joseph  
Tufts, J. Arthur  
Yennaco, Carol

Carson, Gregory  
Dowd, Sandra  
Flanders, David  
Gorman, Donald  
Katsakiores, George  
Langley, Jane  
Malcolm, Ken  
Nowe, Ronald  
Raynowska, Bernard  
Stritch, C. Donald  
Weare, Everett

### STRAFFORD

Douglass, Clyde  
Torr, Ann

McKinley, Robert  
Torr, Franklin

Musler, George  
Torr, Ralph

Steadman, Frederick

### SULLIVAN

Adler, Rudolf  
Scott, Robert

Behrens, Thomas

Krueger, Richard

Schotanus, Merle

and the motion failed.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 140**, relative to safe school zones, was removed at the request of Rep. Amanda Merrill.

**HB 237**, deleting the requirement that habitual offenders be incarcerated and allowing incarceration at the discretion of the court, was removed at the request of Rep. Crory.

**HB 416**, relative to aggravated felonious sexual assault, was removed at the request of Rep. Gorman.

**HB 219**, authorizing professional engineers to prepare mortgage loan inspection reports, was removed at the request of Rep. John Chandler.

**HB 307**, establishing a study committee to consider a constitutional amendment allowing the adoption of a yield tax on sand, gravel, and similar materials, was removed at the request of Rep. Wells.

**HB 231**, limiting liability of trappers for certain accidents involving domestic animals, was removed at the request of Rep. Boucher.

Consent Calendar adopted.

**HB 215**, relative to fees charged by mortgage lenders and brokers, requirements for disclosures by mortgage lenders, and an exemption from first mortgage lender licensing requirements. **BOUGHT TO PASS WITH AMENDMENT**

Rep. Eric N. Lindblade for Commerce, Small Business, Consumer Affairs and Economic Development: This bill makes technical changes in laws dealing with fees and disclosures. It also provides that a borrower may, upon written request, receive a certified copy of the appraisal. Vote 14-0.

### Amendment (1146L)

Amend RSA 397-A:16, I as inserted by section 2 of the bill by replacing it with the following:

I. Lenders may charge fees and points for services rendered in conjunction with the origination, closing and servicing of loans; provided, however, that the lender issues a written disclosure to the borrower stating the estimated amount and purpose of all fees and expenses [prior to consummation of the transaction] *within 3 business days of the receipt of a loan application*. If any fee is collected in advance of the closing of the loan, the lender shall provide the borrower with a written explanation of the purpose and disposition of the fee. *A lender may charge an application fee which may include the direct costs incurred by the lender for processing an application, and for a real estate appraisal, a credit bureau report, or for income verification or other third party services. Notwithstanding RSA 479:30, a borrower who pays a lender a fee for a real estate appraisal report, or who pays an application fee to a lender which includes costs for a real estate appraisal, whether designated as a separate fee therefore or not, shall, upon written request, be entitled to obtain from the lender a copy of the real estate appraisal report. The lender shall certify on such copy that it is a true copy of the original report. Such certified copy shall be provided to the borrower within 10 business days of the date the lender receives a borrower's request, receives the report from the appraiser, or receives such application or appraisal fee from the borrower, whichever is last to occur.*

Amend RSA 398-A:2, VII as inserted by section 5 of the bill by replacing it with the following:

VII. Lenders may charge fees and points for services rendered in conjunction with the origination, closing and servicing of loans; provided, however, that the lender issues a written disclosure to the borrower stating the estimated amount and purpose of all fees and expenses within 3 business days of the receipt of a loan application. If any fee is collected in advance of the closing of the loan, the lender shall provide the borrower with a written explanation of the purpose and disposition of the fee. A lender may charge an application fee which may include the direct costs incurred by the lender for processing an application, and for a real estate appraisal, a credit bureau report, or for income verification or other third party services. Notwithstanding RSA 479:30, a borrower who pays a lender a fee for a real estate appraisal report, or who pays an application fee to a lender which includes costs for real estate appraisal, whether designated as a separate fee therefor or not, shall, upon written request, be entitled to obtain from the lender a copy of the real estate appraisal report. The lender shall certify on such copy that it is a true copy of the original report. Such certified copy shall be provided to the borrower within 10 business days of the date the lender receives a borrower's request, receives the report from the appraiser, or receives such application or appraisal fee from the borrower, whichever is last to occur.

**HB 244**, relative to refund anticipation loans and authorizing fees for such loans. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric N. Lindblade for Commerce, Small Business, Consumer Affairs and Economic Development: This bill brings companies which make loans in anticipation of tax refunds, subject to control by the bank commissioner. In particular, it requires full disclosure of the interest charged on such loans and the fact of liability if the refund is not forthcoming. Vote 12-2.

#### **Amendment (1152L)**

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Refund Anticipation Loans. Amend RSA 399-A by inserting after section 26 the following new subdivision:

#### **Refund Anticipation Loans**

399-A:27 Definitions. In this subdivision:

I. "Applicant" means a person who applies for registration as a facilitator of refund anticipation loans.

II. "Creditor" means a person who makes a refund anticipation loan.

III. "Facilitator" means a person who individually or in conjunction or cooperation with another person processes, receives, or accepts for delivery an application for a refund anticipation loan or a check in payment of refund anticipation loan proceeds or in any other manner facilitates the making of a refund anticipation loan.

IV. "Refund anticipation loan" means a small loan that a registrant arranges to be repaid directly from the proceeds of the borrower's income tax refund.

V. "Refund anticipation loan fee" means the charges, fees, or other consideration charged or imposed by the creditor for the making of the refund anticipation loan. This term does not include any charge, fee, or other consideration usually charged or imposed by the registrant in the ordinary course of business for nonloan services, such as fees for tax return preparation and fees for electronic filing of tax returns.

VI. "Registrant" means a person who is registered as a facilitator of refund anticipation loans under this subdivision.

399-A:28 Purpose; Scope. The purpose of this subdivision is to ensure that the borrowing public is provided with disclosures and protections in negotiating and consummating refund anticipation loans. In furtherance of that end, any person brokering or facilitating refund anticipation loans, whether compensated for services by the borrower or otherwise, shall be registered as a facilitator under this subdivision.

399-A:29 Registration Requirement. No person may individually or in conjunction or cooperation with another person process, receive, or accept for delivery an application for a refund anticipation loan or a check in payment of refund anticipation loan proceeds without first being registered under this subdivision with the banking department.

399-A:30 Registration Procedure.

I. An application to become registered as a facilitator shall be in writing, under oath, and in a form prescribed by the commissioner. The application shall contain all information prescribed by the commissioner. Each application for registration shall be accompanied by a fee of \$250 for each office where the registrant intends to facilitate refund anticipation loans.

II. Upon the filing of an application for registration, if the commissioner finds that the responsibility and general fitness of the applicant are such as to command the confidence of the community and to warrant belief that the business of facilitating refund anticipation loans will be operated within the purposes of this subdivision, the commissioner shall register the applicant as a facilitator of refund anticipation loans and shall issue and transmit to the applicant a certificate attesting to the registration. If the commissioner does not so find, the commissioner shall not register the applicant and shall notify the applicant of the reasons for the denial.

III. Each registration as a facilitator of refund anticipation loans shall expire on December 31 following the date it was issued, unless it is renewed for the succeeding year. Before the registration expires, the registrant may renew the registration by filing an application for renewal with the commissioner in the form and containing all information prescribed by the commissioner. Each application for renewal of registration shall be accompanied by a fee of \$100 for each office where the registrant intends to facilitate refund anticipation loans during the succeeding year. Upon the filing of an application for renewal of registration, the commissioner shall renew the registration unless the commissioner determines that the fitness of the registrant or the operations of the registrant would not support registration of the registrant under this subdivision. If the commissioner makes such a determination, the commissioner shall notify the registrant, stating the reasons for the determination.

IV. Each registrant shall prominently display a certificate of registration issued under this subdivision in each place of business in New Hampshire where the registrant facilitates the making of refund anticipation loans.

399-A:31 Exemptions. The provisions of this subdivision shall not apply to any bank, trust company, savings and loan association, profit sharing and pension trust, credit union or thrift institution which may be chartered by this state or any other state or by any agency of the United States. The subsidiaries and service corporations of such entities shall not be exempt from the provisions of this subdivision. The provisions of this subdivision shall also not apply to a person who does not deal directly with borrowers but who acts solely as an intermediary by processing or transmitting, electronically or otherwise, tax or credit information or by preparing for a facilitator refund anticipation loan checks to be delivered by the facilitator to the borrower.

399-A:32 Filing and Posting of Loan Fees; Disclosures.

I. On or before January 2 of each year, each registrant shall file with the commissioner a schedule of the refund anticipation loan fees for refund anticipation loans to be facilitated by the registrant during the succeeding year. Immediately upon learning of any change in the refund anticipation loan fee for that year, the registrant shall file an amendment with the commissioner setting out the change. Filing is effective upon receipt by the commissioner.

II. Every registrant shall prominently display at each office where the registrant is facilitating refund anticipation loans a schedule showing the current refund anticipation loan fees for refund anticipation loans facilitated at the office and the current electronic filing fees for the electronic filing of the taxpayer's tax return. Every registrant shall also prominently display on each fee schedule a statement to the effect that the taxpayer may have the tax return filed electronically without also obtaining a refund anticipation loan. No registrant may facilitate a refund anticipation loan unless:

(a) The required fee schedule is displayed; and

(b) The refund anticipation loan fee actually charged is the same as the fee displayed on the schedule and the fee filed with the commissioner pursuant to paragraph I.

III. At the time a borrower applies for a refund anticipation loan, the registrant shall disclose to the borrower on a form separate from the application:

(a) The fee for the loan.

(b) The fee for the electronic filing of a tax return.

(c) The time within which the proceeds of the loan will be paid to the borrower if the loan is approved.

(d) That the borrower is responsible for repayment of the loan and related fees in the event the tax refund is not paid or is not paid in full.

(e) The availability of electronic filing of the taxpayer's tax return, along with the average time announced by the appropriate taxing authority within which a taxpayer can expect to receive a refund if the taxpayer's return is filed electronically and the taxpayer does not obtain a refund anticipated loan.

(f) Examples of the annual percentage rates, as defined by the Truth In Lending Act, 15 U.S.C. 1607 and 12 C.F.R. Section 226.22, for refund anticipation loans of \$500, \$750, \$1,000, \$1,500, \$2,000, and \$3,000.

IV. In calculating the disclosures of the annual percentage rate required by the Truth In Lending Act, the maturity of the loan for the purpose of determining the annual percentage rate disclosure under this section shall be assumed to be no more than 60 days.

399-A:33 Prohibited Activities. A facilitator of refund anticipation loans shall not engage in any of the following activities:

I. Misrepresenting a material factor or condition of a refund anticipation loan.

II. Failing to arrange for or make a refund anticipation loan promptly after the borrower applies for the loan.

III. Engaging in any transaction, practice, or course of business that operates a fraud upon any person in connection with a refund anticipation loan.

IV. Facilitating a refund anticipation loan for which the refund anticipation loan fee is:

(a) Different from the fee posted or the fee filed with the commissioner; or

(b) In an amount that the commissioner has notified the facilitator is, in the commissioner's determination, excessive.

V. Directly or indirectly taking or arranging for payment of any portion of the refund anticipation loan for check cashing, credit insurance, or any other goods or services not expressly approved by the commissioner.

VI. Taking, or arranging for a creditor to take, a security interest in any property of the borrower other than the proceeds of the borrower's tax refund to secure payment of the loan.

399-A:34 Rules; Enforcement.

I. The commissioner shall adopt rules, pursuant to RSA 541-A, as necessary to effectuate the purposes of this subdivision and to provide for the protection of the borrowing public. In order to enforce this subdivision, the commissioner may make investigations, subpoena witnesses, require audits and reports, and conduct hearings regarding possible violations of its provisions.

II. In addition to any other provisions of this chapter, the commissioner may, in accordance with RSA 541-A, issue cease and desist orders or revoke or suspend a registration issued under this subdivision, or both, if the commissioner is satisfied that the registrant has violated any provisions of this subdivision or this chapter, or has not met the standards established in this chapter.

399-A:35 Penalties. Any person who violates any provision of this subdivision shall be guilty of a misdemeanor for each violation if a natural person, or guilty of a felony if any other per-

son. In addition to the foregoing, and except in the case of a refund anticipation loan that is not approved by the creditor, a facilitator who fails to deliver to the borrower the proceeds of a refund anticipation loan within 48 hours after the time period promised by the facilitator when the borrower applied for the loan, shall pay to the borrower an amount equal to the refund anticipation loan fee. A facilitator who engages in an activity prohibited under RSA 399-A:33 in connection with a refund anticipation loan is liable to the borrower for damages of 3 times the amount of the refund anticipation loan fee or other unauthorized charge, plus reasonable attorney's fees.

### AMENDED ANALYSIS

This bill requires persons who facilitate refund anticipation loans to be registered with the banking department as facilitators of refund anticipation loans. The bill establishes regulations for such facilitators and grants rulemaking authority to the bank commissioner to further regulate such facilitators.

This bill was requested by the banking department.

Referred to Corrections and Criminal Justice.

**HB 354**, expanding the definition of motor vehicle under the new motor vehicle arbitration laws to include motor homes. **INEXPEDIENT TO LEGISLATE**

Rep. Sandra K. Dowd for Commerce, Small Business, Consumer Affairs and Economic Development: The committee felt the new arbitration board was not set up to handle motor homes. Motor homes are completely different from standard automobiles, especially with multi-manufacturers. The committee felt more information was needed. Vote 12-2.

**HB 419**, relative to certain copyright licenses. **RE-REFER TO COMMITTEE**

Rep. John B. Hunt for Commerce, Small Business, Consumer Affairs and Economic Development: Since the parties involved were still negotiating, the committee decided to keep the bill over the summer. Vote 13-1.

**HB 430**, relative to branch banking and bank holding company affiliates. **OUGHT TO PASS**

Rep. Richard H. Krueger for Commerce, Small Business, Consumer Affairs and Economic Development: This bill changes the regulatory authority over branch banking and bank holding company affiliates from the board of trust incorporation to the bank commissioner. Vote 13-0.

**HB 433**, relative to second mortgage home loan licensees and repealing an exemption for insurance companies from the laws regulating small lenders. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric N. Lindblade for Commerce, Small Business, Consumer Affairs and Economic Development: This bill strengthens the bank commissioners powers to control second mortgage lenders. These people have had an increasing presence in our state and the intent of this legislation is to protect consumers. Vote 14-0.

### Amendment (1320L)

Amend the bill by replacing section 8 with the following:

8 Scope; Exemptions. Amend RSA 399-A:2, II to read as follows:

II. This chapter shall not apply to any person lawfully engaged in business as permitted by the laws of this state or of the United States relative to banks, trust companies, insurance companies, savings or building and loan associations, credit unions or pawnbrokers or to loans made by them, nor shall this chapter apply to any person engaged solely in the business of making loans for educational purposes or to the loans made by such persons[, nor shall it apply to any person engaged in the business of second mortgage loans in accordance with the provisions of RSA 398-A, as amended, or to loans made by such persons].

### AMENDED ANALYSIS

This bill changes the definitions of "lender," "broker" and "person" for the laws governing second mortgage loan licensees. The bill changes requirements for licensees regarding license applications; notification of the bank commissioner of changes in stock ownership, relocations and proposed closings; recordkeeping; and advertising.

The bill removes an exemption for second mortgage lenders and loans from the provisions of RSA 399-A, which regulates small lenders.

The bill also repeals provisions regarding service of process on the bank commissioner. This bill was requested by the banking department.

**HB 337**, to expand the definition of "political committee" for reporting purposes. **INEXPEDIENT TO LEGISLATE**

Rep. Carol H. Holden for Constitutional and Statutory Revision: This bill would significantly change the definition of a political committee. The Committee felt that such a change was not necessary. Vote 15-1.

**HB 189**, providing that a parent or household member who commits a criminal assault on a parent of a minor in the presence of the minor has endangered the welfare of such child. **INEXPEDIENT TO LEGISLATE**

Rep. Patricia A. Hambrick for Corrections and Criminal Justice: While the committee is sensitive to the problem this bill attempts to remedy, there must first be a charge of assault. Since so many of these cases do not result in charges, this bill will not solve the problem. Vote 13-1.

**HB 313-FN**, relative to a defendant's repayment of counsel expenses that have been paid by the state. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Corrections and Criminal Justice: This bill as amended distinguishes the department that will be assigned the responsibility of collection of counsel expenses paid by the state. The Office of Cost Containment and Department of Corrections are in agreement on this bill. In addition, the adult parole board may make repayment of such counsel expenses a condition of parole or early release, and defendants are required to notify the state of a change of address. Vote 14-0.

### Amendment (1423L)

Amend the bill by replacing all after the enacting clause with the following:

1 Repayment to Office of Cost Containment. Amend RSA 604-A:9, I to read as follows:

I. Any adult defendant who has had counsel or a public defender assigned to [him] *the defendant* at the expense of the state shall[, provided that the defendant's sentence does not include actual incarceration in the state prison, if the defendant is not placed on probation or sentenced to a period of conditional discharge,] be ordered by the court under paragraph I-b to repay the state through the unit of cost containment, the fees and expenses paid by the state on [his] *the defendant's* behalf according to a schedule established by the administrator of the cost containment unit with the approval of the administrative justices of the courts on such terms as the court may order consistent with the defendant's present or future ability to pay, such ability to be determined by the unit of cost containment. The state may collect from the defendant a service charge of up to 10 percent of the total amount of fees and expenses owed by such defendant. At no time shall the defendant be required to repay, for legal services, an amount greater than the state's flat rate for a contract attorney as established contractually pursuant to RSA 604-B. If the defendant is placed on probation or sentenced to a period of conditional discharge, the defendant shall repay the state, through the department of corrections, all fees and expenses paid on his behalf on such terms as the court may order consistent with the defendant's present or future ability to pay.

2 New Paragraph; Defendant Change of Address; Notification Required. Amend RSA 604-A:9 by inserting after paragraph I-b the following new paragraph:

I-c. In a case where counsel has been appointed, the defendant shall be required to notify the clerk of the court and the office of cost containment of each change of mail address and actual street address. Whenever notice to the defendant is required, notice to the last mail address on file shall be deemed notice to and binding on the defendant.

3 Parole Conditions. RSA 604-A:9, V is repealed and reenacted to read as follows:

V. If the defendant is incarcerated in the state prison, orders for repayment, pursuant to paragraph I may be suspended until the time of the defendant's release. The adult parole board may make repayment of any order for repayment a condition of parole or early release. If the defendant has not been ordered to repay the state for expenses incurred on the defendant's be-

half, at any time within 6 years of the time the defendant is released from the state prison the state may petition the superior court for repayment, and upon such petition the superior court shall order repayment unless the court finds the defendant is unable to comply with the terms of any order for repayment.

4 Effective Date. This act shall take effect July 1, 1995.

### AMENDED ANALYSIS

This bill:

- I. Requires the state to collect all of a defendant's repayment of counsel expenses that have been paid by the state.
- II. Permits the adult parole board to condition parole on repayment of counsel expenses that have been previously paid by the state.
- III. Requires certain defendants to notify the office of cost containment of any changes of address.

**HB 316-FN**, relative to probation and parole officers. OUGHT TO PASS WITH AMENDMENT

Rep. Richard E. Dolan for Corrections and Criminal Justice: This bill allows the court to assess certain fees on probationers and parolees. It clarifies resisting arrest to apply to arrests made by probation and parole officers. It also clarifies persons sentenced to conditional discharge may apply to have record annulled, permits the court to waive presentence investigations, permits arrest of inmates on home confinement and bars commencement of action against the state unless the agency is notified. For the most part this bill clarifies changes made elsewhere in the statutes. Vote 17-0.

### Amendment (1404L)

Amend RSA 504-A:13, III as inserted by section 1 of the bill by replacing it with the following:

III. The court, for probationers, and the parole board, for parolees and those under the jurisdiction of the court, may assess fees for services as provided by the department of corrections, division of field services, not otherwise provided for by this chapter.

Amend RSA 541-B:14, IV as inserted by section 2 of the bill by replacing it with the following:

IV. Any claim submitted under this chapter shall be brought within 3 years of the date of the alleged bodily injury, personal injury or property damage or the wrongful death resulting from bodily injury[; provided, however, that the agency is notified by mail within 180 days of the alleged injury or property damage sustained by the claimant]. *As a condition precedent to commencement of the action, the agency shall be notified by registered mail within 180 days after the time of the injury or damage or discovery of the injury or damage, if it could not reasonably have been discovered at the time of the occurrence of the injury or damage, as to the date, time and location where the injury or damage occurred, and provided that in any case where lack of written notice, actual knowledge or reasonable opportunity to obtain knowledge of any injury or damage within the 180-day period is alleged by the agency, the burden of proof shall be on the agency to show that it was substantially prejudiced thereby.* Such notification may be made either by the claimant or an appropriate representative of the claimant. [Failure to give notice to the agency as required by this section shall not bar the commencement of any action within the applicable limitation period.]

Amend RSA 651:2, VI-b as inserted by section 4 of the bill by replacing it with the following:

VI-b. A person sentenced to conditional discharge under paragraph VI may apply for annulment of the criminal record under RSA 651:5.

### AMENDED ANALYSIS

This bill:

- I. Permits the court and parole board to assess certain fees on probationers and parolees.
- II. Clarifies the resisting arrest or detention statute to include probation or parole officers.
- III. Clarifies that a person sentenced to conditional discharge may apply for annulment of criminal records.



IV. Permits the court to waive presentence investigations.

V. Permits the arrest of inmates on administrative home confinement.

VI. Bars the commencement of actions against a state agency unless the agency is properly notified.

This bill was requested by the department of corrections.

**HB 376**, making it illegal to knowingly maintain or control any premises where persons under the age of 21 consume alcohol. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donna P. Sytek for Corrections and Criminal Justice: This bill addresses the problem of drinking encountered in many college communities. Frequently police are called to beer blasts attended by large numbers of underage drinkers, but are unable to bring charges unless the offender is caught in the act of possessing alcohol. As amended, the bill provides that a person in control of the premises or vehicle who knows that persons there under 21 are consuming an alcoholic beverage is guilty of a misdemeanor. The committee removed references to "maintaining" premises to make sure landlords were not included under the bill's provisions. Vote 14-0.

#### **Amendment (1406L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

making it illegal to knowingly control any premises or propelled vehicle where persons under the age of 21 consume alcohol.

Amend the bill by replacing section 1 with the following:

1 New Section; Premises Where Persons Illegally Consume Alcohol. Amend RSA 644 by inserting after section 17-a the following new section:

644:18 Premises Used for Unlawful Consumption. A person shall be guilty of a misdemeanor who controls any premises or propelled vehicle as defined in RSA 637:9, III if the person knows that a person or persons under the age of 21 consume liquor or alcoholic beverages on such premises or in such vehicle. In this section, "premises" means land, building, and appurtenances thereto.

#### **AMENDED ANALYSIS**

This bill makes it illegal to knowingly control any premises or propelled vehicle where a person or persons under the age of 21 consume alcohol.

**HB 471-FN**, relative to the department of corrections, including a corrections impact statement and submission of correctional reports, and separating the positions of director of adult services and warden **OUGHT TO PASS WITH AMENDMENT**

Rep. Donna P. Sytek for Corrections and Criminal Justice: This bill, recommended by the LBA's audit, makes several changes to the organizational structure of the Department of Corrections. The position of warden/director of adult services is split in two, and the title is changed to director of institutional services. The directors, superintendents and warden will serve at the pleasure of the commissioner (after the incumbents' terms expire.)

Additionally, the bill provides for fiscal notes on all measures affecting criminal penalties, and requires counties to provide statistical data on inmate population to the Department of Corrections. Vote 17-0.

#### **Amendment (1475L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to the department of corrections, including a corrections impact statement and submission of correctional reports, renaming the division of adult services, and separating the positions of director of adult services and warden.

Amend the bill by replacing all after the enacting clause with the following:

1 Criminal Penalty Exception to Fiscal Note Requirement Removed. Amend RSA 14:44, II(d) to read as follows:

(d) Establish or change a civil [or criminal] penalty.

2 New Paragraph; Fiscal Impact Notes; Corrections. Amend RSA 14:46 by inserting after paragraph V the following new paragraph:

VI. The fiscal note for any bill with a fiscal impact on the corrections system shall include the estimated impact upon prosecution, incarceration, probation, and parole costs.

3 Director of Adult Services; Title Changed. Amend the introductory paragraph of RSA 21-H:4, III to read as follows:

III. The division of [adult services] *institutional services*, under the supervision of a director of [adult services] *institutional services*, who shall [also have the title of warden of the state prison and shall] be responsible for the following functions, in accordance with applicable laws:

4 Director of Adult Services and Warden; Separate Positions; Title Changed. Amend RSA 21-H:6, II to read as follows:

II. The commissioner shall nominate for appointment by the governor, with the consent of the council, each division director.

[(a)] All division directors[, with the exception of the director of adult services,] shall serve at the pleasure of the commissioner.

[(b) The director of adult services, who shall also have the title of warden of the state prison, shall serve for a term of 4 years.]

5 County Correctional Reports. Amend RSA 30:3, II to read as follows:

II. The reports of the several officers as prescribed in paragraph I[,] shall be submitted to the county commissioners in as much detail as the commissioners may require. *Statistics compiled under subparagraphs I(c) and I(d) shall be submitted to the commissioner of the department of corrections.*

6 Director of Adult Services/Warden, Department of Corrections; Positions Separated. Amend RSA 94:1-a, I by striking out in Group P the following: Director of adult services/warden, department of corrections.

7 Director of Adult Services and Warden; Positions Separated. Amend RSA 94:1-a, I by inserting in Group P the following:

I. In Group P, warden, department of corrections.

II. In Group Q, director of institutional services, department of corrections.

8 New Sections; Wardens and Superintendents. Amend RSA 622 by inserting after section 2 the following new sections:

622:2-a Warden. The warden of the New Hampshire state prison for men shall serve at the pleasure of the commissioner and shall be an unclassified employee qualified by education and experience.

622:2-b Superintendent, Lakes Region Facility. The lakes region facility shall be under the superintendence of a superintendent. The superintendent shall serve at the pleasure of the commissioner and shall be an unclassified employee qualified by education and experience.

9 Superintendent; State Prison for Women; Term of Office. Amend RSA 622:33-a, II to read as follows:

II. The New Hampshire state prison for women shall be under the superintendence of a superintendent. The superintendent shall serve [for a term of 4 years] *at the pleasure of the commissioner of corrections* and shall be an unclassified employee qualified by education and experience.

10 Incumbent Warden and State Prison for Women Superintendent. The warden and superintendent of the state prison for women shall serve out their current terms of office and shall thereafter serve as provided for in section 8 of this act.

11 Effective Date. This act shall take effect July 1, 1995.

### AMENDED ANALYSIS

This bill:

I. Requires a fiscal note which reflects an impact on the corrections system to include an estimated impact upon prosecution, incarceration, probation, and parole costs.

II. Renames the division of adult services, the division of institutional services.

III. Separates the positions of director of institutional services and warden.

IV. Requires that certain county correctional reports be submitted to the commissioner of the department of corrections.

This bill is requested by the audit division of the office of the legislative budget assistant.

Referred to Finance.

**HB 498-FN**, relative to administrative review of suspended or revoked motor vehicle licenses.  
**ought to pass with amendment**

Rep. Donna P. Sytek for Corrections and Criminal Justice: This bill is an attempt to streamline the hearings process for administrative license suspension. The amendment makes several technical changes, as well as reducing the standard of proof to preponderance of the evidence for both the state and the driver. The bill also provides for restoration of the driver's license to a person who was found not guilty in court, but guilty at the administrative hearing. Vote 16-0.

**Amendment (1335L)**

Amend the bill by replacing all after the enacting clause with the following:

1 Reported Value of Alcohol Concentration. Amend RSA 265:91-a, I and II to read as follows:

265:91-a Administrative License Suspension.

I. If any person refuses a test as provided in RSA 265:92 or submits to a test described in RSA 265:84 which [discloses] *shows a reported value of* an alcohol concentration of 0.08 or more or, in the case of a person under the age of 21, 0.04 or more, the law enforcement officer shall submit a [sworn] report to the department. In the report the officer shall certify that the test was requested pursuant to RSA 265:84 and that the person refused to submit to testing or submitted to a test which [disclosed] *showed a reported value of* an alcohol concentration of 0.08 or more, or, in the case of a person under the age of 21, 0.04 or more.

II. Upon receipt of the [sworn] report of a law enforcement officer submitted under paragraph I, the department shall suspend the person's driver's license or privilege to drive as follows:

(a) In the case of a refusal to take a test described in RSA 265:84, the suspension shall be for the period specified in RSA 265:92.

(b) In the case of a person who submits to a test described in RSA 265:84 which [discloses] *shows a reported value of* an alcohol concentration of 0.08 or more or, in the case of a person under the age of 21, 0.04 or more, the suspension shall be for:

(1) Six months if there is no prior refusal under RSA 265:92, no prior driving while intoxicated or aggravated driving while intoxicated convictions, and no prior administrative license suspension pursuant to RSA 265:91-a.

(2) Two years if there is a prior refusal under RSA 265:92, or a prior driving while intoxicated or aggravated driving while intoxicated conviction, or a prior administrative suspension pursuant to RSA 265:91-a.

2 New Paragraphs; Administration of Breath Tests. Amend RSA 265:91-b by inserting after paragraph II the following new paragraphs:

II-a.(a) In the case of a breath test, the officer may establish that the breath test was properly administered by submitting the following:

(1) A copy of the certification required by RSA 265:85, III from the officer who administered the test;

(2) A copy of the preventive maintenance check form filled out by the forensic breath testing supervisor who performed the last preventive maintenance check of the breath testing instrument in question prior to the time of the test at issue;

(3) A copy of the breath test instrument printout showing a reported value of 0.08 or more, or, in the case of a person under the age of 21, 0.04 or more; and

(4) A copy of a statement signed by the person who administered the test that he observed the person and that the person did not place any material in his mouth, vomit, regurgitate or belch for twenty minutes prior to the time of the test.

(b) Once the officer has established that the test was properly administered, it shall be the burden of the person to prove, by a preponderance of the evidence, that the test was not properly administered.

(c) If the documents set forth in subparagraph (a) are submitted to the division of motor vehicles and the law enforcement officer at least 5 business days prior to the hearing, the presence of the officer who administered the test shall not be mandatory unless he is subpoenaed by the person, in accordance with RSA 516:16. In all such cases, the subpoena shall be accompanied by the witness fee and mileage established by RSA 516:16.

(d) If the person intends to raise before the department of safety an issue as to the deviation between the reported value obtained by the state and the reported value obtained by an independent laboratory, the person must provide to the officer, at least 5 business days before the hearing, notice of intent to raise such a claim. The notice must be accompanied by the following:

- (1) A copy of the independent laboratory's certification required by RSA 265:85, V;
- (2) A copy of the independent laboratory report showing the subject's test results and reported value for the captured sample tube which corresponds to the reported value obtained by the breath test instrument;

- (3) Copies of the gas chromatograph instrument printouts of the subject's captured sample tube results which correspond to the reported value obtained by the breath test instrument;

- (4) A copy of all the gas chromatograph instrument printouts of the blanks, controls and standards analyzed on the day the subject's captured sample tube was analyzed; and

- (5) A statement by the independent laboratory or any repairs or preventive maintenance performed on the gas chromatograph instrument for 6 months prior to the analysis of the subject's captured sample tube.

(e) If the documents set forth in subparagraph (d) are not so provided, the 20-day hearing requirement shall be waived and the officer shall be entitled to a continuance of the hearing. The person shall remain under suspension.

II-b.(a) In the case of a blood or urine test, the officer may establish that the test was properly administered by submitting the following:

- (1) A copy of the appropriate form filled out and signed by the person who took the sample, as required by RSA 265:85, V and RSA 265:90, IV;

- (2) A copy of the laboratory report from the division of public health services, showing a test result of 0.08 or more, or, in the case of a person under the age of 21, 0.04 or more; and

- (3) A statement by the certifying scientist that the person who analyzed the sample was qualified to conduct analyses of blood or urine specimens, and that the analysis was performed in accordance with methods prescribed by the division of public health services.

(b) Once the officer has established that the test was properly administered, it shall be the burden of the person to prove, by a preponderance of the evidence, that the test was not properly administered.

(c) If the documents set forth in subparagraph (a) are submitted to the division of motor vehicles and the law enforcement officer at least 5 business days prior to the hearing, the presence of the person who administered the test shall not be mandatory unless such person is subpoenaed by the person who was tested, in accordance with RSA 516:16. In all such cases, the subpoena must be accompanied by the witness fee and mileage established by RSA 516:16.

(d) If the person intends to raise before the department of safety an issue as to the deviation between the test result obtained by the state and the test result obtained by an independent laboratory, the person shall provide to the officer, at least 5 business days before the hearing, notice of intent to raise such a claim. The notice must be accompanied by the following:

- (1) A copy of the independent laboratory's certification required by RSA 265:85, V;
- (2) A copy of the independent laboratory report showing the subject's reported result;
- (3) A copy of the analytical worksheet and gas chromatograph instrument printouts of the subject's results;

- (4) A copy of all the gas chromatograph instrument printouts of the blanks, controls and standards analyzed on the day the subject's sample was analyzed; and

- (5) A statement by the independent laboratory that the analysis was performed in accordance with the analytical procedures prescribed by the division of public health services pursuant to their certification as required by 265:85, V.

(e) If the documents set forth in subparagraph (d) are not so provided, the 20-day hearing requirement shall be waived, and the officer shall be entitled to a continuance of the hearing. The person shall remain under suspension.

3 Recission of Administrative License Suspension. Amend RSA 265:91-c to read as follows:  
265:91-c Period of License Suspension.

I. Where a license or driving privilege has been suspended under RSA 265:91-a and the person is also convicted on criminal charges arising out of the same event both the suspension

and the court ordered revocation shall be imposed but the total period of suspension and revocation shall not exceed the longer of the 2 periods; provided, however, that any suspension for refusing to submit to a test under the provisions of RSA 265:92 shall not run concurrently with any other penalty imposed under the provisions of this title.

***II. If a person has submitted to a test and incurred an administrative license suspension pursuant to RSA 265:91-a, II(b), the administrative license suspension shall be rescinded if the person is acquitted of the related DWI charge or if that charge is nolle prosequi.***

4 Application. The provisions of this act shall apply to administrative license suspension cases where the arrest occurs on or after the effective date of this act.

5 Contingency. If HB 463 of the 1995 legislative session becomes law, then reference to "0.04" in RSA 265:91-a, I and II as inserted by section 1 of this bill, and in RSA 265:91-b, II-a (a)(3) and RSA 265:91-b, II-b (a)(2) as inserted by section 2 of this bill, shall be changed to "0.02."

6 Effective Date. This act shall take effect January 1, 1996.

**HB 532-FN**, requiring a co-payment from inmates of any correctional facility for nonemergency, inmate-initiated medical care. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald W. Gorman for Corrections and Criminal Justice: The committee has been shown, by testimony, that passage of this bill should significantly reduce the costs of medical treatment at correctional institutions. Nothing in this bill disallows access to medical treatment. Vote 16-0.

### **Amendment (1331L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

requiring co-payments from inmates of state correctional facilities  
for inmate initiated medical care and mental health services and  
repayment for costs of property damage, escape and riots.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Department of Corrections Co-Payment for Medical Care. Amend RSA 622 by inserting after section 31 the following new section:

622:31-a Medical Care; Inmate Co-Payment Required.

I. The commissioner of the department of corrections shall adopt policies and procedures establishing reasonable medical and health service fees for the medical services that are provided to inmates at any state facility.

II. Except as provided in paragraph III, the commissioner may charge each inmate a reasonable fee for medical and mental health services, including prescriptions, medication or prosthetic devices.

III. The commissioner shall exempt the following inmates or medical visits by inmates from payment of medical and health services fees:

(a) Medical visits initiated by the medical or mental health staff, consultants or contract personnel of the department.

(b) Inmates at reception centers.

(c) Juvenile inmates.

(d) Pregnant inmates.

(e) Seriously mentally ill inmates.

(f) Developmentally disabled inmates, as determined by authorized staff.

(g) Inmates who are housed in the secure psychiatric unit.

(h) Inmates who are undergoing follow-up medical treatment for chronic diseases.

IV. An inmate shall not be refused medical treatment for financial reasons.

V. The commissioner shall establish criteria for reasonable deductions from moneys credited to the account of an inmate to repay the cost of medical treatment for injuries that were self-inflicted or inflicted by the inmate on others.

VI. All moneys received by the department for medical and health service fees shall be deposited in the general fund.

VII. The commissioner shall establish criteria for reasonable deductions from moneys credited to the inmate's spendable account to repay the cost of:

(a) Property that the inmate wilfully damages or destroys during the inmate's incarceration.

(b) Searching for and apprehending an inmate who escapes or attempts to escape.

(c) Quelling a riot or other disturbance in which the inmate is unlawfully involved. No inmate shall be subject to deductions from moneys credited to the inmate's spendable account under paragraphs V and VII until the inmate has been afforded a due process hearing and has been found guilty.

VIII. For purposes of this section, "reasonable fee" means an amount to be determined by the commissioner of corrections.

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill requires a co-payment from inmates of any state correctional facility for inmate-initiated medical care, and mental health services and repayment for costs of property damage, escape and riot.

**HB 540-FN-L**, relative to registration and public notification of information regarding serious felony offenders and sexual offenders. **INEXPEDIENT TO LEGISLATE**

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: On first reading HB 540, it appears to be a reasonable idea to notify the public of when offenders are released from prison. However upon further examination the committee agreed that the idea of indiscriminately notifying the public could lead to the type of vigilantism we have seen in other states. Our current registration for sexual offenders addresses this issue in a manner that puts public safety first. Vote 16-0.

**HB 163-FN-L**, allowing districts not maintaining a high school to limit the amount of tuition paid for resident pupils. **INEXPEDIENT TO LEGISLATE**

Rep. William S. Belvin for Education: The bill's sponsor, after discussions with the State Department of Education, believes the bill as written contains loopholes and needs additional drafting in order to accomplish its purpose. Consequently, the sponsor asked that the bill be rejected inexpedient to legislate and the committee agreed. Vote 19-0.

**HB 312-FN-A-L**, eliminating the advisory council on literacy and dropout prevention, establishing a committee to study literacy issues, and funding state literacy programs and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Karen K. Hutchinson for Education: This bill repeals the advisory council on literacy and dropout prevention and replaces it with a legislative committee to study literacy-related issues. It also eliminates the redundant screening of students in light of the new student-assessment programs. Vote 18-1.

#### Amendment (1337L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

eliminating the advisory council on literacy and dropout prevention  
and establishing a committee to study literacy issues,  
and funding state literacy programs.

Amend the bill by replacing section 2 with the following:

2 First Meeting. The first-named house member shall call the first meeting within 30 days of the effective date of this act.

Amend the bill by deleting section 3 and renumbering sections 4 and 5 to read as 3 and 4, respectively.

#### AMENDED ANALYSIS

This bill repeals the advisory council on literacy and dropout prevention and establishes a joint legislative committee to study literacy issues.

**HB 517-FN-L**, repealing the weighted voting provision relative to districts within an SAU, and providing the option for local districts to assume duties of the SAU business administrator. **INEXPEDIENT TO LEGISLATE**

Rep. O. Alan Thulander for Education: The committee feels that this bill would unnecessarily complicate the cost distribution basis for multi-district school administrative units; and further, that based on testimony received, the district involved has not attempted to seek a resolution to its concerns with the SAU at the local level. Vote 19-0.

**HB 220**, creating a committee to study the establishment of a New Hampshire volunteer program. **INEXPEDIENT TO LEGISLATE**

Rep. Howard E. Williams for Executive Departments and Administration: The committee heard testimony and felt the bill is well intended. However, the committee found this study unnecessary because volunteer programs are managed through the Governor's Office on Volunteerism and this study is redundant. Also, there are many costs involved in placing untrained personnel in some sensitive locations. Vote 17-1.

**HB 149-FN**, regulating fertilizer and agricultural liming materials. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles L. Vaughn for Finance: This bill revises the state's fertilizer law to incorporate the National Fertilizer Regulatory Act. Provisions for a dedicated fund have been dropped from the bill. Vote 23-0.

#### **Amendment (1323L)**

Amend RSA 431:4, II as inserted by section 1 of the bill by replacing it with the following:

II. The fees collected under this section shall be deposited with the state treasurer into the general fund as unrestricted revenue.

Amend RSA 431:6, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Fees collected under this section shall be deposited with the state treasurer into the general fund as unrestricted revenue.

Amend RSA 431:8, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Penalty payments received from the registrant shall be refunded to the consumer of the fertilizer which has been analyzed and found deficient, provided that the purchase is of one ton or more. Penalty payments on lots of fertilizer which have been analyzed and found deficient and whose purchaser cannot be found shall be deposited in the general fund as unrestricted revenue.

Amend RSA 431:27, I as inserted by section 3 of the bill by replacing it with the following:

I. Each separately identified product shall be registered before being distributed in this state. The application for registration shall be submitted to the commissioner on a form furnished or approved by the commissioner and shall be accompanied by a fee of \$50 per product. The fees collected under this section shall be deposited with the state treasurer into the general fund as unrestricted revenue. Upon approval by the commissioner a copy of the registration shall be furnished to the applicant. All registrations expire on January 1 of the following year.

Amend the bill by deleting section 4 and renumbering the original sections 5 and 6 to read as 4 and 5, respectively.

#### **AMENDED ANALYSIS**

This bill revises the state's fertilizer law to incorporate the national model fertilizer regulatory act.

The bill also revises the state's agricultural liming materials law.

**HB 241**, making technical changes in the business taxes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Avis B. Nichols for Finance: This bill gives the Department of Revenue Administration authority to establish the electronic transfer of department information intended for the public and to charge a fee for this service. The amendment eliminates the dedicated fund and puts the money in the general fund. The bill changes the time for reporting and paying of a correction of income under RSA 77:24b. It includes limited liability companies under RSA 78-A:21 and defines operator. Vote 22-0.

#### **Amendment (1326L)**

Amend RSA 21-J:3, XXII as inserted by section 1 of the bill by replacing it with the following:

XXII. Have authority subject to appropriation to establish the electronic transfer of departmental information intended for the public, and to recover reasonable costs for the service, all of which shall be returned to the general fund as unrestricted revenue.

**HB 509-FN**, relative to payment dates under the interest and dividends tax. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: Taxpayers who make quarterly payments of interest and dividends tax on a calendar year presently make those payments to both state and federal governments on the 15th of April, June and September. The final payment, however, is the 15th of December for the state, and federally the 15th of January. This bill would bring the final payment for the state to January 15th which would be after the year ends and would align all the state payment dates with the federal dates. Vote 22-0.

**Amendment (1325L)**

Amend the bill by replacing all after section 1 with the following:

2 Applicability. Section 1 of this act shall apply for tax years ending on or after January 1, 1996.

3 Effective Date. This act shall take effect January 1, 1996.

**HB 563-FN**, relative to the repair and maintenance of the road from New Hampshire route 10 to the Connecticut River in Bedell Bridge state park and relative to the construction of a boat launch at the park. **OUGHT TO PASS**

Rep. Charles W. Ferguson for Finance: The results of negotiation among the Departments of Transportation, Resources and Economic Development, and Fish and Game, and a favorable vote of the Public Access Advisory Committee, resulted in the recommended passage of this bill, which will benefit the citizens of New Hampshire at the best cost. Vote 16-0.

**HB 639-FN**, reclassifying portions of certain roads in the towns of Sugar Hill and Albany. **OUGHT TO PASS**

Rep. Frances L. Riley for Finance: The committee felt it would be in the best interest of both state and towns to reclassify Easton Road in Sugar Hill and Drake Hill in Albany upon completion of planned reconstruction to ensure the most effective maintenance of the roads. Vote 16-0.

**HB 357**, relative to mental health practice. **RE-REFER TO COMMITTEE**

Rep. Eleanor H. Amidon for Health, Human Services and Elderly Affairs: Testimony when the bill was presented and reinforced by subsequent subcommittee deliberations, pointed out the number of corrections, additions and refinements needed. Additional time will insure a good document properly responding to the licensing requirements of all professions affected. Vote 16-0.

**HB 453**, relative to administration of medications by residential care facility and supported residential care facility staff members. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael Morello for Health, Human Services and Elderly Affairs: This bill prevents the unnecessary utilization of nursing home services for residents in residential care facilities. It allows trained staff to administer specified medications to residents under established rules and regulations. Vote 17-0.

**Amendment (1362L)**

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. The general court recognizes that long-term care includes a continuum of care. Residential care services are cost-effective and should be encouraged to prevent unnecessary and premature utilization of nursing home services. It is the intent of this act that the board of nursing and residential care service providers collaborate in the development of rules relative to a medication administration program for unlicensed personnel. The development of this program is intended to further enhance the safety of the resident and not to encroach on the independence of those residents who can still self-administer their own medication.

2 New Paragraph; Administrations of Medications by Residential Care Facility and Supported Residential Care Facility Staff Members. Amend RSA 326-B:17 by inserting after paragraph IX the following new paragraph:

X.(a) The administration of medications by any person employed to provide direct care or treatment to residents of a residential care facility or supported residential care facility as defined in RSA 151:2, I(e), (l) and (2) and licensed under RSA 151 and rules adopted under residential care facility level of care by the division of public health services who:



(1) Is an employee of a residential care facility or supported residential care facility duly licensed by the division of public health services;

(2) Has a minimum of a high school diploma or a general equivalency diploma; and

(3) Has successfully completed a medication administration program developed by the board of nursing and conducted by a registered nurse licensed under this chapter. The board of nursing shall adopt rules pursuant to RSA 541-A, relative to:

(A) The criteria for a registered nurse to conduct the program.

(B) The extent of medication administration authorization and procedural rules, including assessment by the registered nurse.

(C) On-going evaluation of the competency of the person authorized to administer medication.

(D) The monitoring of the resident to assure safe and appropriate medication administration.

(b) The authorization granted by subparagraph (a) shall be limited to the administration of medications:

(1) When authorized by a registered nurse who has conducted an assessment of the resident and evaluated the medication order and medications prescribed for the resident;

(2) By a route other than injection, except for subcutaneous injections when the person administering the medication and the resident receiving the medication have been authorized by a registered nurse; and

(3) To residents of a residential care facility or supported residential care facility to which the person administering the medication is regularly assigned.

3 Effective Date. This act shall take effect 60 days after its passage.

**HB 242**, prohibiting the use of hearsay evidence in disciplinary hearings under the real estate practice act. **INEXPEDIENT TO LEGISLATE**

Rep. David W. Hess for Judiciary and Family Law: Hearsay evidence is currently admissible before regulatory commissions and agencies where the formal rules of evidence are generally relaxed to allow more informal and expeditious proceedings. If this bill were to be enacted, the New Hampshire Real Estate Commission would be the only state commission that couldn't receive hearsay evidence. Vote 17-0.

**HB 308**, requiring charitable organizations to produce annual reports for public inspection and to develop conflict of interest policies and codes of ethics. **INEXPEDIENT TO LEGISLATE**

Rep. David T. Mittelman for Judiciary and Family Law: While respecting the intent of this bill, the committee believes that current state oversight is adequate and appropriate. Much of what this bill addresses is done already by most charitable organizations. Ultimately, the committee believes that conflict of interest policies and codes of ethics are sensitive areas that are better left free from government regulation. Vote 13-1.

**HB 319-FN**, relative to standards for granting a retrial in a criminal or civil case. **INEXPEDIENT TO LEGISLATE**

Rep. David W. Hess for Judiciary and Family Law: This bill would radically change the circumstances under which all civil and criminal cases could be subject to retrial based upon newly discovered evidence. It would mandate a new trial whenever any evidence is found. This would result in perpetual litigation and lead to a substantial increase in costs. Current law on this subject is well established and has worked well. Vote 15-0.

**HB 389**, relative to liability of directors and officers of nonprofit organizations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Janet G. Wall for Judiciary and Family Law: The committee adopted an amendment to the original bill which clarifies immunity available for non-profit and charitable organizations by setting forth the fact that volunteers serving without compensation are limited from liability. Vote 18-0.

### **Amendment (1286L)**

Amend the title of the bill by replacing it with the following:

## AN ACT

defining compensation for the purposes of determining immunity from liability for directors and officers of nonprofit organizations.

Amend the bill by replacing section 1 with the following:

1 Definition; Compensation. Amend RSA 508:16, 1 to read as follows:

I. For the purposes of this section, "director" means a person who serves without compensation on the board of trustees or board of directors of a charitable organization or society organized or incorporated in this state or having a principal place of business in this state. For the purposes of this section, "officer" means a person who serves without compensation as an officer of such an organization or society. *For the purpose of this section, "compensation" does not include reimbursement for expenses actually incurred.*

## AMENDED ANALYSIS

This bill defines "compensation" for the purposes of determining immunity from liability for directors and officers of nonprofit organizations.

**HB 450**, relative to the confidentiality of wills. INEXPEDIENT TO LEGISLATE

Rep. Janet G. Wall for Judiciary and Family Law: This bill would hinder the process in settling estates by withholding from the public for 10 years information necessary for title searches, transfers of property, and provisions for those who may not be immediate family, but who may have an interest in the estate. It would tremendously increase the need for storage space in probate courts. Vote 14-0.

**HB 543-FN**, imposing a surcharge on fines and default payments which are overdue to the division of motor vehicles. OUGHT TO PASS

Rep. Nick Hart for Judiciary and Family Law: The courts are owed \$6.5 million in default. Moneys collected from this surcharge shall be paid into a special account within the victims' assistance fund with the county attorney's office. Vote 12-2.

Referred to Finance.

**HB 567-FN**, requiring attorneys who write wills for New Hampshire residents to provide certain information to the supreme court, and requiring the supreme court to establish a computerized storage method for this information. INEXPEDIENT TO LEGISLATE

Rep. John J. McCarthy, Jr. for Judiciary and Family Law: After testimony, the committee felt that to establish a computerized method of storing wills with the Supreme Court would present more problems than it solved. There are many areas the bill does not address. Vote 13-0.

**HB 628**, limiting liability of members of juvenile diversion committees or boards, supervisors of juveniles in diversion programs, and owners of property on which juvenile diversion programs are conducted. INEXPEDIENT TO LEGISLATE

Rep. Evelyn S. Letendre for Judiciary and Family Law: The committee believes such persons were already covered under RSA 508:17 as stated "any volunteer of a nonprofit organization or government entity." Vote 13-0.

**HB 408-L**, relative to public employees' terms and conditions of employment. INEXPEDIENT TO LEGISLATE

Rep. Lorraine R. Palmer for Labor, Industrial and Rehabilitative Services: At the subcommittee hearing the sponsor of this bill requested that the bill be inexpedient to legislate. No one spoke in opposition to this action. Vote 9-1.

**HB 527-FN**, relative to changes in the unemployment compensation law. OUGHT TO PASS WITH AMENDMENT

Rep. Robert H. Turner for Labor, Industrial and Rehabilitative Services: This bill makes adjustments to the maximum weekly benefit amounts effective July 2, 1995, and March 31, 1996. Increases from 20 to 30 percent the amount a person can earn through self-employment, relative to benefits received, before the benefits are reduced. Makes changes in the timing of employers' reports, and sets new penalties for employers who report falsely or fail to report. This bill is a request of the department of employment security. Vote 12-0.

**Amendment (1180L)**

Amend RSA 282-A:85, II and III as inserted by section 4 of the bill by replacing them with the following:

II. No employer shall be entitled to a reduced merit rate under RSA 282-A:87, I for any fiscal year unless, as of [February 20] *April 30* preceding said fiscal year, [he] *the employer* has properly and duly submitted reports and contributions required and *previously* due under the provisions of this chapter. [It is provided, however, that any employer who loses his rate because of the foregoing and reestablishes his rights prior to the beginning of the fiscal year to which a rate might have been applicable shall have reinstatement of the rate to which he would have been entitled, said rate to become effective for the last 3/4 of the fiscal year in question.]

III. No employer assigned an earned rate under RSA 282-A:87, II shall be assigned a rate less than the maximum in that paragraph for any fiscal year effective with the fiscal year beginning July 1, [1992] *1995*, unless as of [February 20] *April 30* preceding said fiscal year [he] *the employer* has properly and duly submitted reports and contributions *previously* due under this chapter. [It is provided, however, that any employer who loses his rate because of the foregoing and reestablishes his rights prior to the beginning of the fiscal year to which such rate might have been applicable shall have reinstated the rate to which he would have been entitled for the last 3/4 of the fiscal year in question.]

Amend the bill by replacing all after section 5 with the following:

6 Property Liens. Amend RSA 282-A:143 to read as follows:

282-A:143 Property Lien. If any employer required to pay contributions under this chapter neglects or refuses to pay contributions after demand, the amount, together with all penalties, fees, and interest and any costs that may accrue becomes a lien in favor of the state upon all property and rights to property whether real or personal, belonging to the employer. The lien arises at the time demand is made by the commissioner and continues until the liability for the sum, with interest and costs, is satisfied. Certificates of release of such lien shall be issued on the satisfaction of the lien. For the purposes of this subdivision, "employer" in the case of corporations *or limited liability companies* includes the president, treasurer, *members*, or any other person in a managerial capacity of said corporation *or limited liability company*. No lien against real property under this section shall be effective until it is recorded at the registry of deeds for the county in which the real property lies.

7 New Section; Penalties. Amend RSA 282-A by inserting after section 166 the following new section:

282-A:166-a Penalties for Failure or Refusal to Make Contributions or Reports. In the discretion of the commissioner or an authorized representative, violations of RSA 282-A:166, III and IV may subject the person to a penalty of not less than \$100 or more than the amount of the contributions then or subsequently determined by the commissioner to be due. For violations of all other paragraphs of RSA 282-A:166, a penalty of not less than \$100 nor more than \$500 may be imposed. All penalties imposed under this section shall be in addition to late filing fees and interest charges due under other sections of this chapter. Any proceeding or action taken against a person under this section shall be in lieu of and not in addition to any proceeding or action taken under RSA 282-A:166. Persons found subject to this section may appeal in the manner set forth in RSA 282-A:95-98.

8 Limited Liability Companies. Amend the introductory paragraph of RSA 282-A:166 to read as follows:

Any employing unit, officer or employee of a corporation, or member or employee of a partnership *or limited liability company*, who as such officer, employee, or member is under a duty to perform and:

9 Effective Date.

I. Sections 1 and 2 of this act shall take effect July 2, 1995.

II. Section 4 of this act shall take effect January 1, 1996.

III. Sections 5, 6 and 8 of this act shall take effect upon its passage.

IV. The remainder of this act shall take effect March 31, 1996.

**AMENDED ANALYSIS**

I. This bill:

(a) Makes adjustments to the maximum weekly benefit amounts effective July 2, 1995, and March 31, 1996.

(b) Increases from 20 to 30 percent the amount a person can earn through self-employment, relative to benefits received, before benefits will be reduced.

(c) Makes changes in the timing of employers' reports.

(d) Sets new penalties for employers who report falsely or fail to report.

(e) Includes limited liability companies as employers for the purposes of unemployment compensation.

II. This bill is a request of the department of employment security.

**HB 609-FN**, relative to payment for HIV testing under workers' compensation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gary L. Daniels for Labor, Industrial and Rehabilitative Services: This bill expedites the process of receiving workers' compensation for blood-borne disease testing. This bill also unlinks testing and casualty, diffusing much of the unnecessary contentious relationship and providing resolution of the vast majority of incidents. Vote 16-0.

### **Amendment (1198L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to testing for bloodborne diseases under workers' compensation.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Testing for Bloodborne Diseases. Amend RSA 281-A:23 by inserting after paragraph V the following new paragraph:

VI. An employer subject to this chapter, or the employer's insurance carrier, may furnish or cause to be furnished, testing for the presence of a bloodborne disease when a critical exposure that arises out of and in the course of employment occurs. Such testing shall be provided without prejudice as to the issue of the causal relationship of any subsequently diagnosed bloodborne disease to the employee's work and without prejudice to the compensability of the bloodborne disease as an occupational disease or an accidental injury for the purposes of RSA 281-A.

2 New Paragraphs; Definitions Added. Amend RSA 281-A:2 by inserting after paragraph I-b the following new paragraphs:

I-c. "Blood" means human blood, human blood components, and products made from human blood.

I-d. "Bloodborne disease" means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

I-e. "Critical exposure" means contact of an employee's ruptured or broken skin or mucous membrane with a person's blood or body fluids, other than tears, saliva or perspiration, of a magnitude that can result in transmission of bloodborne disease.

3 Effective Date. This act shall take effect 60 days after its passage.

### **AMENDED ANALYSIS**

This bill authorizes an employer or the employer's insurance carrier to test for bloodborne diseases when a critical exposure arises in and out of the course of employment.

**HB 193**, repealing requirements concerning the way cemetery trustees are elected. **INEXPEDIENT TO LEGISLATE**

Rep. Marian E. Lovejoy for Municipal and County Government: The material in this bill is included as an amendment to HB 429, which is another cemetery bill. Vote 14-0.

**HB 260**, relative to the collection of property taxes in the town of Bennington for the 1994-95 tax years. **INEXPEDIENT TO LEGISLATE**

Rep. Linda T. Foster for Municipal and County Government: The sponsors informed the committee that the problem addressed by HB 260 has been solved and that the bill is no longer requested. Vote 16-0.

**HB 429**, relative to the election of the members of the board of cemetery trustees in town meeting towns. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marian E. Lovejoy for Municipal and County Government: This bill as amended allows selectmen to serve as cemetery trustees and also allows towns with charters to adopt their own procedures for election or appointment of cemetery trustees. This also clarifies that cemetery trustees are responsible for preparing deeds for selectmen's signatures. Vote 17-0.

#### **Amendment (1353L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to the election of the members of the board of cemetery trustees,  
and relative to the powers and duties of cemetery trustees.

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Towns with Charters. Amend RSA 289:6 by inserting after paragraph III the following new paragraph:

IV. Any town that has a municipal charter form of government may specify in its charter the procedure to be utilized for the election or appointment of cemetery trustees. Such procedure shall be adopted under the provisions of RSA 49-B.

3 New Subparagraph; Preparation of Deeds. Amend RSA 289:7, I by inserting after subparagraph (d) the following new subparagraph:

(e) Prepare deeds of cemetery lots for the governing body to sign.

4 Effective Date. This act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill allows a town with a town meeting form of government to vote to have the board of selectmen serve as the cemetery trustees during their terms in office as selectmen.

The bill allows towns with town charters to adopt their own procedures for the election or appointment of cemetery trustees if the procedures are adopted in conformance with the municipal charter laws.

This bill also requires cemetery trustees to prepare deeds for cemetery lots for the governing body to sign.

**HB 437**, relative to competitive bidding in Rockingham county. **OUGHT TO PASS**

Rep. Robert M. Fesh for Municipal and County Government: The committee supports this bill which provides Rockingham county with the ability to require competitive bidding on services as well as those other items already under law. This legislation is identical to that presently utilized by Hillsborough county. Vote 14-0.

**HB 451-FN-L**, relative to financial responsibility for certain welfare recipients. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: The committee feels this bill, if passed, could raise havoc with the welfare budgets of the towns and cities creating unnecessary hardships. Vote 14-0.

**HB 493-FN-L**, providing the county convention be comprised of elected members of the governing bodies from towns and cities rather than from the house of representatives. **INEXPEDIENT TO LEGISLATE**

Rep. Betsey L. Patten for Municipal and County Government: This bill made provisions for the county convention to be made up of one elected member from the governing body of each city and town in the county. This would reduce membership of the county convention to only one member from each city or town and take away the right of the people to choose. The committee felt that this would violate the right of one person, one vote. Vote 14-0.

**HB 633-L**, expanding the definition of "compact area" within a town or city. **INEXPEDIENT TO LEGISLATE**

Rep. Roland J. Lefebvre for Municipal and County Government: The committee, after careful consideration for the safety of compact areas and along with the Fish and Game RSA:15-A, felt that with proper communication, compact safety areas will be addressed without this legislation. Vote 16-0.

**HB 646-L**, relative to the use of county real property. **OUGHT TO PASS**

Rep. Betsey L. Patten for Municipal and County Government: This bill is enabling legislation that allows the county convention to authorize the executive committee and county commissioners to make decisions quickly concerning the use of county-owned real estate, i.e., using a playing field for ballgames, using land for community gardens or using a room for a meeting. The parameters and restrictions would be determined by the county convention. The convention would have to enact new rules or the existing rules would be in place. If the executive committee and the commissioners disagree upon the use, the request would die. Vote 14-0.

**HB 51-FN**, naming a certain segment of New Hampshire route 101 the Jay McDuffee Highway. **OUGHT TO PASS**

Rep. John P. Chandler for Public Works and Highways: This bill names the section of New Hampshire Route 101, from the Raymond-Epping town line to the terminus in Hampton, the Jay McDuffee Highway, honoring an individual who served eight governors over a period of 40 years, and who is best known for service from 1978 until retirement in 1993 as the Coordinator of the New Hampshire Highway Safety Agency. Great credit is due Jay McDuffee for his tireless and highly successful efforts through education and legislation to achieve extraordinary increase in voluntary use of seat belts and significant reduction in Driving-While-Intoxicated-related fatalities on the highways of the state. Jay McDuffee died on March 22, 1994, shortly after retirement. Vote 18-0.

**HB 424**, requiring legislative approval for the naming of state-owned buildings and of certain formations, and relative to the naming of Northwood Meadows State Park. **OUGHT TO PASS WITH AMENDMENT**

Rep. Katherine D. Rogers for Public Works and Highways: The bill names Northwood Meadows, located in the town of Northwood, as Northwood Meadows State Park, a name by which it has been known as locally since the Revolutionary War. This bill further provides that if real estate is acquired by the state of New Hampshire, either by gift or by purchase, and a requirement of that acquisition is that said land be named after a person or place, that shall be done without legislative approval. Additionally, this bill allows that the Commissioner of the Department of Resources and Economic Development may name certain buildings within the State Park System subject to approval of the Governor and Council. Vote 18-0.

**Amendment (1317L)**

Amend the title of the bill by replacing it with the following:

**AN ACT**

relative to the naming of real estate acquired by the state and  
relative to the naming of Northwood Meadows State Park.

Amend the bill by replacing sections 1 and 2 with the following:

1 Naming Buildings and Formations; Legislative Approval. Amend RSA 4:43 to read as follows:

4:43 Naming of Certain *Buildings and* Formations.

*I.* No state park, bridge, mountain, road, river, or body of water under the control of the state, shall be renamed without legislative approval.

*II. Notwithstanding the provisions of paragraph I, if real estate is acquired by the state by gift or by purchase, and one of the requirements of the acquisition is that the real estate be named after a particular person or place, the real estate shall be so named without legislative approval.*

*III. The commissioner of the department of resources and economic development may name certain buildings within the state park system, subject to the approval of governor and council.*

2 Northwood Meadows State Park. Northwood Meadows, a tract of land located in the town of Northwood, is hereby named Northwood Meadows State Park.

**AMENDED ANALYSIS**

This bill provides that if real estate is acquired by the state by gift or by purchase, and a requirement of the acquisition is that the real estate be named after a particular person or place, the real estate shall be so named without legislative approval.

The bill also names Northwood Meadows, located in the town of Northwood, Northwood Meadows State Park.

**HB 503-FN**, requiring certain motorist service signs on limited access highways to be located before the appropriate intersection. **INEXPEDIENT TO LEGISLATE**

Rep. Katherine D. Rogers for Public Works and Highways: This bill was found inexpedient at the sponsor's request. As of February 1, 1995, the Department of Transportation Logo Program had approved 160 applications, received 124 panels from participating businesses and installed 119. The Logo Program was conceived as a way for smaller businesses at a minimal fee (\$350 fee per panel) to advertise their motorist services on exit ramps. The committee believes the Logo Program should be allowed to operate at least another year before we jump in to change and overhaul a program that has just begun and is still in the experimental stage. Vote 18-0.

**HB 529-FN-L**, transferring certain property from the state to the town of Hampton Falls, New Hampshire. **OUGHT TO PASS WITH AMENDMENT**

Rep. John R. Cloutier for Public Works and Highways: This bill, as amended, calls for the state to return the town common in Hampton Falls, which was deeded to the state in 1854, back to the town for consideration of \$1.00. The transaction shall be exempt from the real estate transfer tax and shall be accomplished by a quit claim deed reserving easements for planned highway improvements along US Route 1 and NH Route 88. The bill, as amended, protects the state in case land taking was needed for the above-mentioned improvements. Vote 18-0.

#### **Amendment (1344L)**

Amend the bill by replacing section 1 with the following:

1 Transfer of Property in Hampton Falls, New Hampshire. Notwithstanding any provision of law to the contrary, the town common in the town of Hampton Falls, New Hampshire which was deeded to the state in 1854, shall be transferred back to the town of Hampton Falls for the consideration of \$1. This transaction shall be exempt from the real estate transfer tax under RSA 78-B and shall be accomplished by a quit claim deed reserving easements for planned highway improvements along US 1 and NH 88.

**HB 616**, relative to scenic byways. **OUGHT TO PASS WITH AMENDMENT**

Rep. Katherine D. Rogers for Public Works and Highways: This bill, as amended, authorizes the Scenic and Cultural Byways Council to propose a state-wide system of scenic and cultural byways. The New Hampshire Scenic and Cultural Byways Program was designed so that each community could nominate roads to a state-wide network. The reason for this bill is that in reality the council is developing a program with road fragments scattered throughout the state that do not form a system or address the original intent. The council would like the ability to suggest a state-wide network and work with the communities toward implementing a cohesive system that would provide scenic routes for tourists to follow throughout the state. This legislation would give the council the ability to initiate this state-wide system. Vote 18-1.

#### **Amendment (1351L)**

Amend RSA 238:21, I as inserted by section 2 of the bill by replacing it with the following:

I.(a) Encourage towns and municipalities to designate scenic and cultural byways within their jurisdictions and to petition the council for the inclusion of these byways into the New Hampshire scenic and cultural byways system. Such inclusion shall enable the municipality to participate in federal funding that may be available under section 1047, Scenic Byways Program, of the Intermodal Surface Transportation Efficiency Act of 1991.

(b) *Consider proposing a statewide system of scenic and cultural byways.*

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect 30 days after its passage.

#### **AMENDED ANALYSIS**

This bill requires the scenic and cultural byways council to consider proposing a system of scenic and cultural byways.

**HB 647-FN-A**, establishing a municipal bridge repair and a department of transportation "on the shelf" program and continually appropriating the municipal bridge repair and the department of transportation "on the shelf" account. **RE-REFER TO COMMITTEE**

Rep. John P. Chandler for Public Works and Highways: This bill would establish a permanent method for providing a minimal level of state funding support through a new dedicated account. Inasmuch as the Governor's budget continues the present annual \$4 million state contribution for the next biennium (which is substantially more than this bill would provide), the committee desires to hold this bill until the budget outcome is known. Vote 18-0.

**HB 329-FN-L**, relative to offsetting local districts' costs for special education. **INEXPEDIENT TO LEGISLATE**

Rep. Laura Pantelakos for Regulated Revenues: The committee felt that this was a special education policy bill that would be dealt with by other bills before the Education committee. To dedicate funds for special education for a game that is not in existence had other ramifications beyond the scope of our committee. Vote 17-1.

**HB 443-FN**, making technical changes in liquor laws. **OUGHT TO PASS WITH AMENDMENT**

Rep. Betsy McKinney for Regulated Revenues: At the request of the Liquor Commission, the committee added and amended definitions for cider, fortified wine and table wine. Also, this bill corrects an error in the definition of "vessel", adding "watercraft" serving food. Vote 18-0.

**Amendment (1185L)**

Amend RSA 175:1, XVI-a as inserted by section 1 of the bill by replacing it with the following:

XVI-a. "Cider" means either the naturally fermented expressed juice of apples or the fermented expressed juice of apples to which activated yeast is added, containing not less than 1/2 of one percent alcohol by volume at 60 degrees Fahrenheit, which may contain flavoring, coloring or related ingredients and may be carbonated or fermented in a sealed container to produce a sparkling beverage or liquor. Cider, as defined here, shall not include cider as defined in RSA 434:40-a.

**HB 590-FN**, requiring all advertising for all forms of gambling in the state to include a statement or disclaimer of the odds of winning. **INEXPEDIENT TO LEGISLATE**

Rep. Robert Kelley for Regulated Revenues: The committee, after hearing the bill, felt that the preponderance of testimony dealt with the caliber and quality of advertising by the sweepstakes commission. The feeling of the committee was that the commission should be apprised of the concerns that come out of the discussions that originated in the public hearing. The sweepstakes commission was contacted relative to the general advertising concepts embraced by the commission and its advertising agency. Further contacts will be maintained between the commission and the committee. Vote 17-0.

**HB 207**, requiring the department of fish and game to obtain approval from the public boat access advisory board before any funds are spent for acquisitions or improvements. **RE-REFER TO COMMITTEE**

Rep. Mildred A. Beach and Rep. Thomas J. Kirby for Resources, Recreation and Development: This bill will broaden the review process for projects to develop public boat access on New Hampshire's great ponds. The goal of more closely involving the Public Water Access Advisory Board brings consideration of the full spectrum of public access issues to any particular boat access proposal. The bill impacts a broad range of access considerations. The committee asks to re-refer the bill so that it may have an opportunity to study the impact of federal funds guidelines and other issues on this proposal. Vote 16-0.

**HB 218-FN**, authorizing the department of environmental services, division of water resources, to acquire Hawkins Pond dam in Centre Harbor. **OUGHT TO PASS**

Rep. Howard C. Dickinson for Resources, Recreation and Development: This bill finally resolves a long-standing dispute over the ownership of the water control dam on Hawkins Pond, a 93-acre pond in Center Harbor. The committee, along with the Fish and Game Department and the Department of Environmental Services, Water Resources Division, felt that state acquisition of the dam was the best solution and would help assure continued boating, fishing and swimming in conjunction with the Fish and Game Department's public access site. Vote 16-0.

Referred to Finance.



**HB 311**, requiring a certain minimum water flow before certain property may be sold. **IN-EXPEDIENT TO LEGISLATE**

Rep. Howard C. Dickinson for Resources, Recreation and Development: This bill as originally presented to the committee is the same bill that the Commerce Committee recommended ITL by 16-0 and the House killed on March 15, 1994. The amendment which the sponsor asked us to consider received no support at the hearing and is in conflict with the public trust doctrine, which clearly states that groundwater is not the property of a municipality but is held in trust by the State. Vote 14-0.

**HB 342**, relative to the use of moorings and clarifying related definitions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael D. Whalley for Resources, Recreation and Development: This bill was presented at the request of the Department of Safety, Division of Safety Services, and prohibits anchoring within a congregate or public "mooring" field. It expands the definition of mooring to include a fixed object or stationary point, clarifies the definition of "shorefront property" and staggers the permit renewal-process for congregate moorings. Vote 15-1.

**Amendment (1303L)**

Amend the bill by replacing all after the enacting clause with the following:

1 Definition of Mooring Changed. Amend RSA 270:59, III to read as follows:

III. "Mooring" when used as a noun, means a mooring anchor, *or other fixed object or stationary point*, [and] *with or without a* mooring buoy together with attached chains, cables, ropes, and pennants and related equipment used for the purpose of securing watercraft.

2 Definition of Shorefront Property Clarified. Amend RSA 270:59, VIII to read as follows:

VIII. "Shorefront property" means any property recognized as a legal building lot by a municipality, having shore frontage on public waters[.], [including] *"Shorefront property" shall include:*

(a) A lot on the public waters that is divided by a road so that the buildable portion of the lot is on the opposite side of the road from the public waters *or divided by an exclusive right-of-way which has been acquired as a result of an eminent domain proceeding which resulted in the break or loss of property between the property owner's residence and shore frontage.*

(b) *A lot of record with not less than 50 feet of frontage. A lot with less than 50 feet of frontage may be included if the lot owner obtains the written consent of the abutting property owner that the abutting property may be included in the footage calculation. Such consent shall be signed by both parties, notarized and filed with the mooring application.*

Shorefront property shall not mean a deeded right-of-way, nor shall it mean lots not contiguous to the shore with any other type of legal shorefront access. For the purposes of this subdivision, property owned in common by condominium associations or other groups shall be deemed owned by the group and shall not convey any rights under this subdivision to its individual members.

3 New Paragraph; Limitations on Mooring Permit Required. Amend RSA 270:61 by inserting after paragraph V the following new paragraph:

VI. The department shall not deny a mooring permit to any person, or place any limitations on the type craft permitted at a mooring, when reasonable need exists, there is no opposition from abutters and there is no evidence that the mooring will interfere with navigation.

4 Mooring Prohibited in Certain Areas. Amend RSA 270:64-a, I to read as follows:

1.(a) No person shall dock, moor, make fast, or otherwise secure a vessel to a dock, *mooring*, or pier of another, knowing that [he] *the person* is not licensed or privileged to do so.

(b) *No person shall anchor within an approved congregate or public mooring field.*

5 New Paragraph; Renewal of Permits for Congregate Moorings. Amend RSA 270:62 by inserting after paragraph VI the following new paragraph:

VII. A hearing shall not be required for the renewal of a permit for a congregate mooring field unless, there are changes in the permit or a hearing is requested after notice has been issued.

6 Staggered Renewal for Congregate Mooring Fields. Beginning on January 1, 1996, the division of safety services, department of safety, is authorized to divide and stagger the permit renewals for congregate mooring fields over a 3-year period. After the 3-year period, renewals shall be made on a staggered basis, every 5 years under RSA 270:62, VI.

7 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill:

(1) Prohibits anchoring within a congregate or public mooring field.

(2) Expands the definition of "mooring" and clarifies the definition of "shorefront property" in the mooring laws.

(3) Staggers the permit renewal process for congregate moorings.

**HB 651-FN-A**, extending the date for the submission of a river basin planning and assessment program by the department of environmental services and making an appropriation therefor. **OUGHT TO PASS**

Rep. Robert J. Laflam for Resources, Recreation and Development: This bill extends for one year the reporting deadline of the river basin planning and assessment program. This working group represents the wide spectrum of users affected by water-use issues. The most remarkable outcome was the manner in which conflicting and diverse interests came together to identify and evaluate the stress on our state's river basin systems. Examining complex issues such as littoral and riparian rights, instream flows and water quality concerns, the work group made significant progress toward the development of a program which lays the framework for plans to assist the state in effectively balancing the various important demands for water.

Vote 16-0.

Referred to Finance.

**HB 192**, relative to certification of assessments against public utilities by the public utilities commission. **OUGHT TO PASS WITH AMENDMENT**

Rep. David. B. Holt for Science, Technology and Energy: At the request of the Public Utilities Commission and State Treasurer, this bill changes the first quarterly date that the PUC must submit requirements to the State Treasurer for billing the utilities operating within New Hampshire. This bill also requires the State Treasurer to send out the bills within 10 days of receipt from the PUC. The State Treasurer has no objection to this requirement. Vote 13-0.

### Amendment (1194L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

changing the reporting dates for certification of assessments against  
public utilities by the public utilities commission.

Amend the bill by replacing all after the enacting clause with the following:

1 Reporting Date Changed. Amend RSA 363-A:3 to read as follows:

363-A:3 Certification of Assessment. It shall be the duty of the public utilities commission to calculate the amount to be assessed against each such public utility in accordance with RSA 363-A:1 and 363-A:2. At the beginning of each fiscal year, the public utilities commission shall estimate its total expenses for the fiscal year, and then, based on such estimate, shall calculate the amount to be assessed quarterly on [July 15,] **August 10**, October 15, January 15, and April 15 of that fiscal year, against each such public utility in accordance with RSA 363-A:1 and 363-A:2. The public utilities commission shall then make a list showing the amount due on [July 15,] **August 10**, October 15, January 15, and April 15 of that fiscal year from each of the several public utilities assessed under the provisions hereof, and, together with a statement of the full name and mailing address of each such public utility, shall certify the same to the state treasurer.

After the close of each fiscal year, the public utilities commission shall ascertain its actual total expenses in accordance with RSA 363-A:1 and 363-A:2, and then shall adjust the assessment for the first quarterly payment of the new fiscal year for each such public utility for any underpayment or overpayment by each such public utility for the prior fiscal year.

2 Reporting Date Changed. Amend RSA 363-A:4 to read as follows:

363-A:4 Collection. Forthwith upon the receipt of each such list, which the public utilities commission shall furnish to the state treasurer on or before [July 10] **August 10**, October 10, January 10, and April 10 of each fiscal year, the state treasurer shall bill each public utility for the quarterly amount assessed against it **within 10 working days**. Such bill shall be sent registered mail, and shall constitute notice of assessment and demand for payment. Payment shall be

made to the state treasurer within 30 days after the receipt of the bill. After the expiration of 30 days from the receipt of an original bill, the state treasurer may commence an action at law for the recovery of the assessment.

Within 30 days of the assessment for the first quarterly payment, each public utility which has any objection to the amount assessed against it for the prior fiscal year shall file with the commission its objection in writing, setting out in detail the grounds upon which it is claimed that said assessment is excessive, erroneous, unlawful, or invalid. If such objections are filed, the commission, after reasonable notice to the objecting public utility, shall hold a hearing on such objections, and if the commission finds that said assessment or any part thereof is excessive, erroneous, unlawful or invalid, the commission shall reassess the amount to be paid by such public utility, and shall order that an amended bill be sent to such public utility in accordance with such reassessment. The state treasurer shall not commence an action at law for recovery of any assessment for the first quarterly payment until any such objection has been resolved.

3 New Section; Exemption from Assessment. Amend RSA 363-A by inserting after section 4 the following new section:

363-A:5 Exemption from Assessment. Any utility that earned less than \$10,000 in gross revenue during the preceding fiscal year shall not be liable for any assessment.

4 Effective Date. This act shall take effect January 1, 1996.

### AMENDED ANALYSIS

This bill changes the public utilities commission reporting dates for certain assessment and collections required under RSA 363-B to ensure compliance.

This bill was requested by the legislative budget assistant's audit division.

**HB 344**, relative to the New Hampshire automated information system board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: This bill is a request of the department of Cultural Affairs. It updates the functions of the New Hampshire automated information system to accommodate changes in technology, and enlarges the system's board. The amendment defines regional systems, adds their representatives to the board, and clarifies language. Vote 12-0.

### Amendment (1333L)

Amend the bill by replacing sections 1 and 2 with the following:

1 Definition of Local System Repealed. RSA 201-A:21, II is repealed and reenacted to read as follows:

II. "Regional system" means an information network serving one or more communities as established under RSA 201-A:22, II.

2 Functions of Automated Information System. Amend the introductory paragraph of RSA 201-A:22, II to read as follows:

II. The system shall consist of [a regional] *an integrated* automated data processing and information retrieval system [and a], *regional systems, and an integrated* statewide information network. The information network shall include public, academic, school, and special libraries, organizations, and government departments, agencies, and their subdivisions. The system shall include the following elements and operations as rapidly as funds and circumstances permit:

Amend the bill by replacing sections 4-6 with the following:

4 Automated Information System; Board. Amend RSA 201-A:24, I to read as follows:

I. There is hereby established the New Hampshire automated information systems board. The board shall consist of the commissioner of cultural affairs, who shall be an ex officio and nonvoting member, the state librarian, one representative appointed by the speaker of the house, one senator appointed by the president of the senate, a representative of each board-approved [local] *regional* system appointed by and empowered to speak for the [local] *regional* system, one representative of the New Hampshire state library advisory council appointed by the chair of the council, [and] one citizen appointed by the governor, *one representative of the New Hampshire College and University Council appointed by the council, one representative from*

*each library forum as provided for in RSA 201-D:7 appointed by and empowered to speak for the library forum, the commissioner of education or designee, the commissioner of postsecondary education or designee, a representative of the New Hampshire Library Association appointed by the association, a representative of the New Hampshire Educational Media Association appointed by the association, and a representative of the New Hampshire Library Trustees Association appointed by the association.* Legislative appointments shall terminate on January 1 of each odd numbered year. All other appointments made under this section shall be for one renewable 3-year term. The board shall advise the state librarian and the commissioner on statewide policies, coordinate activities of the [local] **regional** systems, and engage in long-range planning.

5 Automated Information System Board; Membership. Amend RSA 201-A:25, II to read as follows:

II. To adopt rules, pursuant to RSA 541-A, relative to the functioning and maintenance of the system and the [establishment] **definition** and accreditation of each [local] **regional** system established under RSA 201-A:22.

6 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill amends the New Hampshire automated information system, which is part of the state library by:

(1) Eliminating the definition of a "local system", and replacing it with a definition of a "regional system".

(2) Changing the functions of the automated information system.

(3) Adding members to the system's board.

(4) Changing the rulemaking authority of the state librarian relative to the definition and accreditation of new types of regional systems.

This bill is a request of the department of cultural affairs.

**HB 473-FN-A-L**, establishing the distance learning commission and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. John Thomas for Science, Technology and Energy: Whereas other bills are addressing this topic and the outcome of those bills may change this act, the committee recommends refer to committee. Vote 12-0.

**HB 143**, relative to transporting loads on highways and establishing fines. OUGHT TO PASS WITH AMENDMENT

Rep. Mark A. Krochmal for Transportation: After considerable discussion by the committee, this final amended version attempts to clarify the language of the current statute by adding that particulate loads be entirely covered by a tarpaulin or similar covering. The words "close-fitting" are deleted due to vagueness as to just what the covering is supposed to be close-fitted to — i.e. the load or the truck body. Vote 14-0.

### Amendment (1242L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to transporting loads on highways.

Amend the bill by replacing all after the enacting clause with the following:

1 Spillage of Material. Amend RSA 266:72, II to read as follows:

II. No person shall operate on any way any vehicle with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached or in any manner a hazard to other users of the way. Without limiting the foregoing provision, no person shall drive on any way any open vehicle loaded with earth, sand, asphalt, stone, gravel or other particulate substance unless said vehicle is equipped with and said load is **entirely** covered and secured by a [close-fitting] tarpaulin **or similar covering** which prevents the escape of any substance from said load onto the way.

2 Effective Date. This act shall take effect January 1, 1996.

## AMENDED ANALYSIS

This bill requires persons transporting earth, sand, asphalt, stone, gravel, or other particulate substance to cover the load entirely to prevent spillage.

**HB 186**, prohibiting a person whose driver's license has been suspended or revoked for reckless driving or driving while under the influence of alcohol or drugs, from operating a motorized vessel. **INEXPEDIENT TO LEGISLATE**

Rep. Mark A. Krochmal for Transportation: In considering this bill, there were three salient issues that the committee could not resolve: 1) This bill was prompted by a recent boating accident which is still in litigation. As a result, it is the opinion of the committee that it would be inappropriate to consider this bill until we know how this case is resolved in court. 2) The operation of a boat does not require a New Hampshire driver's license and, therefore, denies any linkage to violations committed with a motor vehicle. 3) A provision of this bill would allow it to be enacted by the authority of another state or any province of Canada. This raised questions of reciprocity agreements and, particularly in regard to Canada, separation of sovereignty. Vote 15-0.

**HB 512-FN**, relative to special license plate stickers for persons whose licenses are suspended or revoked. **INEXPEDIENT TO LEGISLATE**

Rep. Rudolph J. Kobel for Transportation: Though perhaps admirable in its intent, this bill fails to take into account that in affixing a plate sticker for motor vehicle offenses, family members and other innocent users of the vehicle could be stigmatized and subject to frequent stops by police. The effect of this modern day equivalent to the Scarlet Letter is to brand the vehicle as though it somehow was responsible for committing the offense, rather than the driver. Vote 14-0.

**HB 555-FN**, requiring certificates of title and title fees for OHRVs. **RE-REFER TO COMMITTEE**

Rep. Sherman A. Packard for Transportation: The committee felt that this bill should be referred to committee because of another piece of legislation currently being studied by the committee to revise the way titles are held by lien holders. Vote 14-0.

**HB 107**, expanding the authority of the executive director of fish and game to adopt rules relative to marine species. **OUGHT TO PASS**

Rep. William P. Boucher for Wildlife and Marine Resources: The bill, as requested by New Hampshire Fish and Game, clears up a couple of ambiguities in the current RSA #211:62 II. Vote 17-0.

**HB 322-FN**, prohibiting the executive director from imposing additional fees for certain fishing licenses. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph Feuer for Wildlife and Marine Resources: The specific additional fees targeted by this bill are entirely justified as the funds so generated are used to procure the game fish involved. The value received by the participating fishermen is definitely equitable. The proper avenue to address these concerns would have been directly with the agency and not through the legislative process. Vote 18-0.

**HB 371**, relative to trapping muskrat and relative to the dens and burrows of game animals or fur-bearing animals. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph N. Feuer for Wildlife and Marine Resources: This bill was withdrawn at the hearing by the sponsor who requested that it be reported inexpedient. Apparently, the constituent who originally wanted it, subsequently had second thoughts and determined not to pursue this matter. We can only conclude that his concerns over muskrats and other furry little creatures changed. Vote 18-0.

**HB 415-L**, enabling municipalities, with the approval of the executive director of fish and game, to restrict hunting in the municipality. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph N. Feuer for Wildlife and Marine Resources: Besides opening the door and paving the way for vocal minorities pursuing anti-hunting agendas to eliminate hunting across the state, municipality by municipality, under the guise of "safety," this bill transfers the authority of regulating hunting, invested by statute in a state agency, to city councils and town-governing bodies whose motives are political rather than scientific. The management of our wildlife re-

sources must be based upon sound biological research data, not emotionalism or paranoia, and rightfully belongs under the control of professionals in that field. The avenue to address legitimate municipal safety issues relating to hunting already exists through the legislature and should not be bypassed or eliminated. Vote 18-0.

### REGULAR CALENDAR

#### **HB 229**, relative to ticket scalping. RE-REFER TO COMMITTEE

Rep. John B. Hunt for Commerce, Small Business, Consumer Affairs and Economic Development: The committee is reluctant to get involved in regulating the free market as it is related to the resale of tickets. However, it has come to the attention of the committee that because of a Massachusetts law, Massachusetts companies have been using young people to stand in line to purchase tickets in that state. These companies then bring the tickets to New Hampshire and sell them at a huge markup. Due to the lack of time, the committee has decided to work on this bill this summer. Vote 10-4.

Adopted.

**HB 518-FN**, relative to increasing the value of abandoned property subject to reporting, changing the time period after which property is assumed to be abandoned, and changing the advertising and notice requirement for abandoned property. OUGHT TO PASS WITH AMENDMENT

Rep. John B. Hunt for Commerce, Small Business, Consumer Affairs and Economic Development: This bill, as amended, changes abandoned property that is reported to the State Treasurers' Office from seven years to five years for everything, except money orders which will remain at seven years. Vote 14-0.

#### **Amendment (1373L)**

Amend the bill by replacing section 2 with the following:

2 Penalty. Amend RSA 471-C:38, I to read as follows:

I. A person who fails to pay or deliver property within the time prescribed by this chapter shall pay to the administrator interest at the annual rate of 18 percent on the property or value thereof from the date the property should have been paid or delivered, *or \$25, whichever is greater.*

Adopted.

Report adopted and ordered to third reading.

**HB 641-FN**, relative to regulation of mortgage loan servicing companies by the banking department and requiring mortgage loan servicing companies to register with and pay registration fees to the department. OUGHT TO PASS WITH AMENDMENT

Rep. Richard H. Krueger for Commerce, Small Business, Consumer Affairs and Economic Development: Requires the Banking Department to regulate mortgage servicing companies. These companies must register with and pay such fees, as required, to the Banking Department. Vote 14-0.

#### **Amendment (1222L)**

Amend RSA 397-B:5, III as inserted by section I of the bill by replacing it with the following:

III. If the amount held in the escrow account as of the date such taxes and insurance premiums are due is insufficient to pay the taxes and insurance premiums despite compliance by the mortgagor with RSA 397-B:5, I, the mortgage servicing company shall pay such taxes and insurance premiums from its own funds. The mortgage servicing company shall then give the mortgagor the option of paying the shortage over a period of not less than 12 months. The mortgage servicing company shall not charge or collect interest on such shortage during the 12-month period.

Amend section 1 of the bill by replacing all after RSA 397-B:9 with the following:

397-B:10 Exemption. The provisions of this chapter shall not apply to any bank, trust company, savings and loan association or cooperative bank, savings bank or credit union which may be chartered by this state or any other state or by any agency of the United States, nor shall the registration provisions of this chapter apply to any individual or entity licensed by the banking department in accordance with RSA 397-A.

397-B:11 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or application and to this end the provisions of this chapter are severable.

Adopted.

Report adopted and referred to Finance.

**CACR 2**, Relating to returning annual legislative sessions to biennial legislative sessions. Providing that the general court shall meet biennially. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS

Rep. Natalie S. Flanagan for the Majority of Constitutional and Statutory Revision: Annual sessions are working out well and become more necessary with the growth of the state each year. We, the Legislature, are the controlling factor in the state and would not be doing our job if we reverted to biennial sessions. Vote 11-5.

Rep. Randall F. Shaw for the Minority of Constitutional and Statutory Revision: The minority recommends that Inexpedient To Legislate be defeated. This issue should be decided by the citizens of New Hampshire. The Legislature sent a CACR on annual sessions to New Hampshire citizens five times until they narrowly approved it in 1984. A total of 10 CACRs, proposing a change back to biennial sessions, have been defeated in either the House or Senate since 1985. There are many different views on the value of annual sessions. We all know it has increased the number of bills and increased legislative expenditures. Many New Hampshire citizens have indicated that they want the Legislature to return to biennial sessions. The only way we can give them this opportunity is to approve CACR 2. Approving CACR 2 will also eliminate what has been an annual debate on this issue since 1985.

Rep. Jacobson spoke in favor and yielded to questions.

Majority report adopted.

Rep. Healy wished to be recorded against the Majority report.

### INDEFINITE POSTPONEMENT

Rep. Ann Torr moved that **CACR 2**, returning annual legislative sessions to biennial legislative sessions, be indefinitely postponed.

Reps. Ann Torr and Trombly spoke in favor.

Rep. Dykstra requested a roll call; sufficiently seconded. The question being the adoption of the motion to indefinitely postpone.

### YEAS 247 - NAYS 98

#### YEAS 247

#### BELKNAP

Bartlett, Gordon  
Smith, Linda

Boriso, Thomas  
Turner, Robert

Golden, Paul  
Ziegra, Alice

Rosen, Ralph

#### CARROLL

Babson, David, Jr.  
Foster, Robert  
Philbrick, Donald

Beach, Mildred  
Howard, Godfrey

Bradley, Jeb  
Lyman, L. Randy

Chandler, Gene  
Patten, Betsey

#### CHESHIRE

Avery, Stephen  
DePecol, Benjamin  
Kingsbury, H. Thayer  
McNamara, Wanda  
Robertson, Timothy  
Steere, Myron, III

Burnham, Daniel  
Doucette, Richard  
Lynch, Margaret  
Metzger, Katherine  
Royce, H. Charles  
Wollner, Robert

Champagne, Richard  
Feuer, Joseph  
Manning, Joseph  
Richardson, Barbara  
Russell, Ronald

Cole, Stacey  
Hunt, John  
McGuirk, Paul  
Riley, William  
Smith, Edwin

#### COOS

Bradley, Paula  
Guay, Lawrence  
Mears, Edgar

Coulombe, Henry  
Hawkinson, Marie  
Pratt, Leighton

Coulombe, Yvonne  
Horton, Lynn  
St. Hilaire, Paul

Davis, Perley  
Mayhew, Josephine

**GRAFTON**

Adams, Carl  
Brown, Channing  
Guest, Robert  
Larson, Nils, Jr.  
Teschner, Douglass

Bean, Pamela  
Chase, Paul, Jr.  
Ham, Bonnie  
Lovett, Sidney  
Tucker, John

Below, Clifton  
Copenhaver, Marion  
Hill, Richard  
Nordgren, Sharon  
Williams, William, Jr.

Brown, Alson  
Crory, Elizabeth  
LaMott, Paul  
Scanlan, David

**HILLSBOROUGH**

Ahern, Richard  
Amidon, Eleanor  
Brundige, Robert  
Chabot, Robert  
Dokmo, Cynthia  
Fenton, James  
Gagnon, Eugene  
Hansen, Herbert  
Holley, Sylvia  
Johnson, Lionel  
LaRose, Richard  
MacIntyre, Doris  
Melcher, Harold  
Morello, Michael  
Perkins, Paul  
Sallada, Roland  
Streeter, Janice  
White, Donald

Aksten, Cheryl  
Andrews, Frederick  
Buckley, Raymond  
Champagne, Norma  
Drabinowicz, A. Theresa  
Fields, Dennis  
Haettenschwiller, Alphonse  
Hart, Nick  
Holt, David  
Kelley, Robert  
Laughlin, J. Francis  
Marcinkowski, Michael  
Mercer, Robert  
O'Rourke, Joanne  
Peters, Stanley  
Sargent, Maxwell  
Toomey, Kathryn  
White, John

Allen, W. Gordon  
Arnold, Thomas, Jr.  
Calawa, Leon, Jr.  
Cote, David  
Durham, Susan  
Foster, Linda  
Hall, Betty  
Herman, Keith  
Hussey, Mary  
Kirby, Thomas  
Lefebvre, Roland  
Martin, Mary  
Messier, Irene  
Packard, Bonnie  
Philbrook, Paula  
Showerman, Peter  
Wheeler, Craig

Alukonis, David  
Asselin, Robert  
Cepaitis, Elizabeth  
Cote, Peter  
Dwyer, Paul, Sr.  
Franks, Suzan  
Hallyburton, Margaret  
Holden, Carol  
Jean, Claudette  
L'Heureux, Robert  
Lozeau, Donnalee  
McRae, Karen  
Milligan, Robert  
Pappas, Marc  
Reidy, Frank  
Soucy, Donna  
Wheeler, Robert

**MERRIMACK**

Chandler, Earle  
Daneault, Gabriel  
Kennedy, Richard  
Moore, Carol  
Trombly, Rick  
Whalley, Michael

Chandler, John  
Dunn, Miriam  
Lamach, Bernard  
Morrill, Olive  
Wallner, Mary Jane  
Willis, Jack

Crosby, Toni  
Fraser, Marilyn  
Lockwood, Robert  
Nichols, Avis  
Warner, Richard

Crowell, Peter  
Jacobson, Alf  
MacKay, James  
Owen, Derek  
Weeks, John, Jr.

**ROCKINGHAM**

Battles, Marjorie  
Case, Margaret  
Crossman, Harold, Jr.  
Dowling, Patricia  
Gleason, John  
Katsakiores, George  
Langley, Jane  
Moore, Benjamin  
Ross, James  
Stone, Joseph  
Sytek, John  
Yennaco, Carol

Belanger, Ronald  
Christie, Andrew, Jr.  
Dodge, Robert  
Dunham, Vivian  
Henderson, Warren  
Katsakiores, Phyllis  
Lee, Rebecca  
Noyes, Richard  
Rubin, George  
Stritch, C. Donald  
Vaughn, Charles

Bishop, Franklin  
Clark, Vivian  
Dolan, Richard  
Flanagan, Natalie  
Hurst, Sharleene  
Kelley, Jane  
Magoon, Harold  
Pratt, Katharin  
Scanlon, Edward  
Syracusa, Anthony  
Weare, Everett

Carson, Gregory  
Coes, Betsy  
Dowd, Sandra  
Flanders, John, Sr.  
Kane, Cecelia  
Kruse, Fred  
McGovern, Cynthia  
Raynowska, Bernard  
Spaine, James  
Sytek, Donna  
Welch, David

**STRAFFORD**

Berube, Roger  
Chagnon, Ronald  
Grassie, Anne  
Keans, Sandra  
McCann, William, Jr.  
Musler, George  
Sullivan, Henry  
Vincent, Francis

Brown, George  
DeChane, Marlene  
Hambrick, Patricia  
Knowles, William  
McKinley, Robert  
Pelletier, Arthur  
Tessimond, Shane  
Wall, Janet

Brown, Julie  
Douglass, Clyde  
Hemon, Roland  
Loder, Suzanne  
Merrill, Amanda  
Snyder, Clair  
Torr, Ann  
Wheeler, Katherine

Callaghan, Frank  
Dunlap, Patricia  
Hilliard, Dana  
Lundborn, Raymond  
Merritt, Deborah  
Spear, Barbara  
Torr, Franklin  
Williams, Howard



**SULLIVAN**

Adler, Rudolf  
Flint, Gordon  
Scott, Robert

Allison, David  
Krueger, Richard  
Stettenheim, Sandy

Behrens, Thomas  
Lindblade, Eric

Cloutier, John  
Schotanus, Merle

**NAYS 98****BELKNAP**

Holbrook, Robert  
Lawton, Robert

Hurt, George  
Rice, Thomas, Jr.

Johnson, James  
Thomas, John

Lawton, David  
Wendelboe, Francine

**CARROLL**

Cooper, Kipp

Dickinson, Howard, Jr.

Kenney, Joseph

Mock, Henry

**CHESHIRE**

Laurent, John

**COOS**

None

**GRAFTON**

Connolly, Steven  
Trelfa, Richard

MacNeil, Allen

Mirski, Paul

Phinney, William

**HILLSBOROUGH**

Barry, Janet  
Clegg, Robert, Jr.  
Dykstra, Leona  
Gibson, John  
Jean, Loren  
Legacy, Earl  
McCarty, Winston  
Pepino, Leo  
Thulander, O. Alan  
Wright, George

Belvin, William  
Daniels, Gary  
Feng, David  
Gotham, Rita  
Kane, Laura  
Letendre, Evelyn  
McMahon, Donald  
Riley, Frances  
Turgeon, Roland

Bergeron, Normand  
Desrosiers, William  
Ferguson, Charles  
Goulet, Maurice  
Krochmal, Mark  
Luebker, Bernard  
Mittelman, David  
Sullens, Joan  
Wells, Peter, Sr.

Boutin, David  
Dodge, Emma  
Francoeur, Gary  
Hunter, Bruce  
Kurk, Neal  
MacGillivray, Jeffrey  
Moncrief, Keith  
Taylor, Paul  
Worthen, Dorothy

**MERRIMACK**

Adams, Stephen  
DeStefano, Stephen  
Pitman, Mary Ellen

Barberia, Richard  
Hess, David  
Rogers, Katherine

Brown, Mary  
Langer, Ray  
Varsalone, Robert

Buessing, Marjorie  
Patenaude, Amy  
Whittemore, James

**ROCKINGHAM**

Abbott, Dennis  
Boucher, William  
Flanders, David  
Hutchinson, Karen  
Lovejoy, Marian  
Morris, Debbie  
Smith, Arthur

Aranda, M. Kathryn  
Camm, Kevin  
Gargiulo, Louis  
Johnson, Robert  
Malcolm, Ken  
Nowe, Ronald  
Tufts, J. Arthur

Arndt, Janet  
Conroy, Janet  
Goddard, Warren  
Klemm, Arthur, Jr.  
McCarthy, John, Jr.  
Packard, Sherman  
Weyler, Kenneth

Beaulieu, Jon  
Fesh, Robert  
Gorman, Donald  
Kobel, Rudolph  
McKinney, Betsy  
Putnam, Ed, II

**STRAFFORD**

Steadman, Frederick

Torr, Ralph

Wasson, Richard

**SULLIVAN**

Whipple, Allen

and CACR 2 was indefinitely postponed.

Rep. Thomas voted nay and intended to vote yea.

Rep. Burke did not vote and intended to vote nay.

**CACR 6**, relating to indirect initiative petition. Providing that statutes may be proposed by citizen petition to the general court. **INEXPEDIENT TO LEGISLATE**

Rep. Natalie S. Flanagan for Constitutional and Statutory Revision: The size of the House and Senate make indirect petitions unnecessary. This might be a good working tool for a small legislative body. Vote 13-2.

Adopted.

**CACR 7**, relating to requiring that the attorney general be elected. Providing that the attorney general be chosen biennially in the general election. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Thomas I. Arnold, Jr. for the Majority of Constitutional and Statutory Revision: The Majority of the Committee felt that the office of Attorney General should not become responsive to changes in the political wind, but should retain some measure of independence. Vote 11-3.

Rep. Roland E. Hemon for the Minority of Constitutional and Statutory Revision: We need a chief law enforcement officer who is independent, free, and whose judgment and decision-making are not subject to being influenced and controlled by others, especially those who appointed him or her. The Attorney General must have an independent power base in order that he or she may have freedom to prosecute even the influential, powerful, and wealthy.

Reps. Hemon and McCann spoke against.

Rep. Katherine Wheeler requested a quorum count. The Speaker declared a quorum present.

Reps. Arnold and Holden spoke in favor.

Rep. Hemon requested a roll call; sufficiently seconded. The question being the adoption of the Majority report.

## YEAS 250 - NAYS 97

### YEAS 250

#### BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Lawton, Robert  
Thomas, John

Boriso, Thomas  
Hurt, George  
Rice, Thomas, Jr.  
Turner, Robert

Cain, Thomas  
Johnson, James  
Rosen, Ralph  
Wendelboe, Francine

Golden, Paul  
Lawton, David  
Smith, Linda  
Ziegler, Alice

#### CARROLL

Babson, David, Jr.  
Cooper, Kipp  
Kenney, Joseph  
Philbrick, Donald

Beach, Mildred  
Dickinson, Howard, Jr.  
Lyman, L. Randy

Bradley, Jeb  
Foster, Robert  
Mock, Henry

Chandler, Gene  
Howard, Godfrey  
Patten, Betsey

#### CHESHIRE

Avery, Stephen  
Hunt, John  
Metzger, Katherine

Cole, Stacey  
Laurent, John  
Royce, H. Charles

DePecol, Benjamin  
Manning, Joseph  
Smith, Edwin

Feuer, Joseph  
McNamara, Wanda  
Steere, Myron, III

#### COOS

Coulombe, Yvonne  
Pratt, Leighton

Davis, Perley

Guay, Lawrence

Horton, Lynn

#### GRAFTON

Adams, Carl  
Chase, Paul, Jr.  
Hill, Richard  
Mirski, Paul  
Trelfa, Richard

Bean, Pamela  
Connolly, Steven  
LaMott, Paul  
Phinney, William  
Tucker, John

Brown, Alson  
Crory, Elizabeth  
Larson, Nils, Jr.  
Scanlan, David  
Williams, William, Jr.

Brown, Channing  
Ham, Bonnie  
MacNeil, Allen  
Teschner, Douglass

#### HILLSBOROUGH

Ahern, Richard  
Amidon, Eleanor

Aksten, Cheryl  
Andrews, Frederick

Allen, W. Gordon  
Arnold, Thomas, Jr.

Alukonis, David  
Belvin, William

Boutin, David  
 Cepaitis, Elizabeth  
 Desrosiers, William  
 Feng, David  
 Foster, Linda  
 Gotham, Rita  
 Hart, Nick  
 Holt, David  
 Johnson, Lionel  
 Krochmal, Mark  
 Legacy, Earl  
 MacGillivray, Jeffrey  
 McMahon, Donald  
 Milligan, Robert  
 Packard, Bonnie  
 Philbrook, Paula  
 Showerman, Peter  
 Toomey, Kathryn  
 Worthen, Dorothy

Brundige, Robert  
 Chabot, Robert  
 Dodge, Emma  
 Fenton, James  
 Francoeur, Gary  
 Goulet, Maurice  
 Herman, Keith  
 Holt, Mark  
 Kane, Laura  
 Kurk, Neal  
 Letendre, Evelyn  
 MacIntyre, Doris  
 McRae, Karen  
 Mittelman, David  
 Pappas, Bonnie  
 Riley, Frances  
 Streeter, Janice  
 Wheeler, Craig  
 Wright, George

Burke, M. Virginia  
 Clegg, Robert, Jr.  
 Dokmo, Cynthia  
 Ferguson, Charles  
 Franks, Suzan  
 Hall, Betty  
 Holden, Carol  
 Hunter, Bruce  
 Kelley, Robert  
 L'Heureux, Robert  
 Lozeau, Donnalee  
 Martin, Mary  
 Mercer, Robert  
 Moncrief, Keith  
 Perkins, Paul  
 Sallada, Roland  
 Sullens, Joan  
 Wheeler, Robert

Calawa, Leon, Jr.  
 Daniels, Gary  
 Durham, Susan  
 Fields, Dennis  
 Gagnon, Eugene  
 Hallyburton, Margaret  
 Holley, Sylvia  
 Jean, Loren  
 Kirby, Thomas  
 LaRose, Richard  
 Luebker, Bernard  
 McCarty, Winston  
 Messier, Irene  
 Morello, Michael  
 Peters, Stanley  
 Sargent, Maxwell  
 Thulander, O. Alan  
 White, Donald

### MERRIMACK

Adams, Stephen  
 Chandler, Earle  
 Kennedy, Richard  
 Morrill, Olive  
 Warner, Richard  
 Willis, Jack

Barberia, Richard  
 Crosby, Toni  
 Lamach, Bernard  
 Nichols, Avis  
 Weeks, John, Jr.

Brown, Mary  
 Hess, David  
 Lockwood, Robert  
 Patenaude, Amy  
 Whalley, Michael

Buessing, Marjorie  
 Jacobson, Alf  
 MacKay, James  
 Pitman, Mary Ellen  
 Whittemore, James

### ROCKINGHAM

Aranda, M. Kathryn  
 Bishop, Franklin  
 Case, Margaret  
 Conroy, Janet  
 Dowd, Sandra  
 Flanagan, Natalie  
 Gleason, John  
 Katsakiores, George  
 Kruse, Fred  
 Magoon, Harold  
 Morris, Debbie  
 Pratt, Katharin  
 Rubin, George  
 Stritch, C. Donald  
 Weare, Everett

Arndt, Janet  
 Boucher, William  
 Christie, Andrew, Jr.  
 Crossman, Harold, Jr.  
 Dowling, Patricia  
 Flanders, David  
 Henderson, Warren  
 Katsakiores, Phyllis  
 Langley, Jane  
 Malcolm, Ken  
 Nowe, Ronald  
 Putnam, Ed, II  
 Scanlon, Edward  
 Sytek, Donna  
 Welch, David

Battles, Marjorie  
 Camm, Kevin  
 Clark, Vivian  
 Dodge, Robert  
 Dunham, Vivian  
 Flanders, John, Jr.  
 Hurst, Sharleene  
 Klemm, Arthur, Jr.  
 Lee, Rebecca  
 McCarthy, John, Jr.  
 Noyes, Richard  
 Raynowska, Bernard  
 Smith, Arthur  
 Sytek, John  
 Weyler, Kenneth

Belanger, Ronald  
 Carson, Gregory  
 Coes, Betsy  
 Dolan, Richard  
 Fesh, Robert  
 Gargiulo, Louis  
 Johnson, Robert  
 Kobel, Rudolph  
 Lovejoy, Marian  
 McKinney, Betsy  
 Packard, Sherman  
 Ross, James  
 Stone, Joseph  
 Tufts, J. Arthur  
 Yennaco, Carol

### STRAFFORD

Beube, Roger  
 Dunlap, Patricia  
 McKinley, Robert  
 Torr, Ann

Brown, Julie  
 Hanlon, Mark  
 Musler, George  
 Torr, Franklin

Callaghan, Frank  
 Keans, Sandra  
 Spear, Barbara  
 Torr, Ralph

Douglass, Clyde  
 Knowles, William  
 Steadman, Frederick  
 Wasson, Richard

### SULLIVAN

Adler, Rudolf  
 Schotanus, Merle

Behrens, Thomas  
 Scott, Robert

Krueger, Richard

Lindblade, Eric

### NAYS 97

### BELKNAP

None

**CARROLL**

None

**CHESHIRE**

Burnham, Daniel	Champagne, Richard	Doucette, Richard	Kingsbury, H. Thayer
Lynch, Margaret	McGuirk, Paul	Richardson, Barbara	Riley, William
Robertson, Timothy	Russell, Ronald	Wollner, Robert	

**COOS**

Bradley, Paula	Coulombe, Henry	Hawkinson, Marie	Mayhew, Josephine
Mears, Edgar	St. Hilaire, Paul		

**GRAFTON**

Below, Clifton	Copenhaver, Marion	Guest, Robert	Lovett, Sidney
Nordgren, Sharon			

**HILLSBOROUGH**

Asselin, Robert	Barry, Janet	Bergeron, Normand	Buckley, Raymond
Champagne, Norma	Cote, David	Cote, Peter	Drabinowicz, A. Theresa
Dwyer, Paul, Sr.	Dykstra, Leona	Gibson, John	Haettenschwiller, Alphonse
Hansen, Herbert	Jean, Claudette	Laughlin, J. Francis	Lefebvre, Roland
Marcinkowski, Michael	Melcher, Harold	O'Rourke, Joanne	Pepino, Leo
Reidy, Frank	Soucy, Donna	Taylor, Paul	Turgeon, Roland
White, John			

**MERRIMACK**

Chandler, John	Crowell, Peter	Daneault, Gabriel	DeStefano, Stephen
Dunn, Miriam	Fraser, Marilyn	Langer, Ray	Moore, Carol
Owen, Derek	Rogers, Katherine	Trombly, Rick	Varsalone, Robert
Wallner, Mary Jane			

**ROCKINGHAM**

Abbott, Dennis	Beaulieu, Jon	Goddard, Warren	Gorman, Donald
Hutchinson, Karen	Kane, Cecelia	Kelley, Jane	McGovern, Cynthia
Pantelakos, Laura	Splaine, James	Syracusa, Anthony	Vaughn, Charles

**STRAFFORD**

Brown, George	Chagnon, Ronald	DeChane, Marlene	Grassie, Anne
Hambrick, Patricia	Hemon, Roland	Hilliard, Dana	Loder, Suzanne
Lundborn, Raymond	McCann, William, Jr.	Merrill, Amanda	Merritt, Deborah
Pelletier, Arthur	Snyder, Clair	Sullivan, Henry	Tessimond, Shane
Vincent, Francis	Wall, Janet	Wheeler, Katherine	Williams, Howard

**SULLIVAN**

Allison, David	Cloutier, John	Flint, Gordon	Stettenheim, Sandy
Whipple, Allen			

and the report was adopted.

**CACR 14**, relating to the appointment of county attorneys and county sheriffs by the chief justice of the supreme court. Providing that beginning in 1998, county attorneys and county sheriffs shall be appointed by the chief justice of the supreme court, instead of elected, and shall serve under the direction of the attorney general. **INEXPEDIENT TO LEGISLATE**

Rep. Philip T. Cobbin for Constitutional and Statutory Revision: There are inherent separation-of-power problems with allowing a judicial officer to appoint a prosecuting officer. Vote 13-1.

Adopted.

**CACR 15**, Relating to revenue base sharing. Providing that each year at least 50 percent of all general fund revenues resulting from any new taxes or fees and increases in rates of existing taxes or fees be returned to the cities, towns, school districts, and counties to assist in property tax relief. **INEXPEDIENT TO LEGISLATE**

Rep. Natalie S. Flanagan for Constitutional and Statutory Revision: This bill would reduce state revenue and, therefore, would require increased taxes so that we could share the revenue with both cities and towns. Vote 14-2.

Adopted.

**HB 638-FN-A**, relative to creating a centralized computerized checklist and making an appropriation therefor. **RE-REFER TO COMMITTEE**

Rep. Philip T. Cobbin for Constitutional and Statutory Revision: The Committee wants to look into whether or not a decentralized approach would be more effective and cost-effective. The Fiscal Note calls for state expenditures of \$800,000.00 in FY96-97. Vote 11-5.

Adopted.

**HB 338-FN-L**, eliminating school administrative units by July 1, 1996, authorizing local school districts to assume SAU responsibilities after that date, and authorizing the office of legislative services to draft the proposed legislation necessary to implement these provisions. **INEXPEDIENT TO LEGISLATE**

Rep. Michael F. Marcinkowski for Education: The committee recognizes that withdrawal procedures are currently available. Also, there are other bills with permissive withdrawal procedures to be considered which may be more appropriate. Vote 19-0.

Rep. Larson yielded to questions.

Rep. Jacobson spoke against.

Rep. Richard Champagne spoke in favor and yielded to questions.

Rep. Jacobson requested a roll call; sufficiently seconded. The question being the adoption of the report.

## YEAS 240 - NAYS 105

### YEAS 240

#### BELKNAP

Bartlett, Gordon	Cain, Thomas	Golden, Paul	Holbrook, Robert
Hurt, George	Lawton, Robert	Rosen, Ralph	Smith, Linda
Turner, Robert	Ziegler, Alice		

#### CARROLL

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Cooper, Kipp
Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey	Kenney, Joseph
Philbrick, Donald			

#### CHESHIRE

Champagne, Richard	Cole, Stacey	DePecol, Benjamin	Doucette, Richard
Feuer, Joseph	Hunt, John	Laurent, John	Lynch, Margaret
Manning, Joseph	McGuirk, Paul	McNamara, Wanda	Riley, William
Robertson, Timothy	Royce, H. Charles	Russell, Ronald	Smith, Edwin
Wollner, Robert			

#### COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Guay, Lawrence	Hawkinson, Marie	Horton, Lynn	Mayhew, Josephine
Pratt, Leighton	St. Hilaire, Paul		

#### GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Brown, Channing	Connolly, Steven	Crory, Elizabeth	Hill, Richard
LaMott, Paul	Larson, Nils, Jr.	Lovett, Sidney	MacNeil, Allen
Phinney, William	Scanlan, David	Teschner, Douglass	Trelfa, Richard
Tucker, John			

**HILLSBOROUGH**

Ahern, Richard  
 Barry, Janet  
 Brundige, Robert  
 Cote, Peter  
 Durham, Susan  
 Fields, Dennis  
 Gotham, Rita  
 Holden, Carol  
 Johnson, Lionel  
 LaRose, Richard  
 Marcinkowski, Michael  
 Messier, Irene  
 Packard, Bonnie  
 Peters, Stanley  
 Streeter, Janice  
 Turgeon, Roland  
 White, Donald

Allen, W. Gordon  
 Belvin, William  
 Calawa, Leon, Jr.  
 Daniels, Gary  
 Dwyer, Paul, Sr.  
 Foster, Linda  
 Hallyburton, Margaret  
 Holt, David  
 Kane, Laura  
 Laughlin, J. Francis  
 McCarty, Winston  
 Milligan, Robert  
 Pappas, Marc  
 Philbrook, Paula  
 Sullens, Joan  
 Wells, Peter, Sr.  
 White, John

Amidon, Eleanor  
 Bergeron, Normand  
 Cepaitis, Elizabeth  
 Dodge, Emma  
 Dykstra, Leona  
 Franks, Suzan  
 Hart, Nick  
 Holt, Mark  
 Kelley, Robert  
 Legacy, Earl  
 McMahon, Donald  
 Moncrief, Keith  
 Pepino, Leo  
 Sargent, Maxwell  
 Thulander, O. Alan  
 Wheeler, Craig  
 Worthen, Dorothy

Andrews, Frederick  
 Boutin, David  
 Chabot, Robert  
 Dokmo, Cynthia  
 Ferguson, Charles  
 Gagnon, Eugene  
 Herman, Keith  
 Jean, Claudette  
 Kirby, Thomas  
 Lozeau, Donnalee  
 Mercer, Robert  
 Morello, Michael  
 Perkins, Paul  
 Soucy, Donna  
 Toomey, Kathryn  
 Wheeler, Robert  
 Wright, George

**MERRIMACK**

Adams, Stephen  
 Crosby, Toni  
 Lamach, Bernard  
 Morrill, Olive  
 Pitman, Mary Ellen  
 Whalley, Michael

Barberia, Richard  
 DeStefano, Stephen  
 Lockwood, Robert  
 Nichols, Avis  
 Rogers, Katherine  
 Whittemore, James

Buessing, Marjorie  
 Fraser, Marilyn  
 MacKay, James  
 Owen, Derek  
 Warner, Richard  
 Willis, Jack

Chandler, John  
 Hess, David  
 Moore, Carol  
 Patenaude, Amy  
 Weeks, John, Jr.

**ROCKINGHAM**

Abbott, Dennis  
 Beaulieu, Jon  
 Camm, Kevin  
 Coes, Betsy  
 Dunham, Vivian  
 Gargiulo, Louis  
 Hutchinson, Karen  
 Kelley, Jane  
 Lee, Rebecca  
 McKinney, Betsy  
 Ross, James  
 Stritch, C. Donald  
 Welch, David

Aranda, M. Kathryn  
 Belanger, Ronald  
 Case, Margaret  
 Conroy, Janet  
 Fesh, Robert  
 Gleason, John  
 Johnson, Robert  
 Klemm, Arthur, Jr.  
 Lovejoy, Marian  
 Noyes, Richard  
 Scanlon, Edward  
 Sytek, Donna  
 Weyler, Kenneth

Arndt, Janet  
 Bishop, Franklin  
 Christie, Andrew, Jr.  
 Crossman, Harold, Jr.  
 Flanagan, Natalie  
 Goddard, Warren  
 Katsakiores, George  
 Kruse, Fred  
 Magoon, Harold  
 Pratt, Katharin  
 Smith, Arthur  
 Sytek, John  
 Yennaco, Carol

Battles, Marjorie  
 Boucher, William  
 Clark, Vivian  
 Dowd, Sandra  
 Flanders, John, Sr.  
 Hurst, Sharleene  
 Katsakiores, Phyllis  
 Langley, Jane  
 McGovern, Cynthia  
 Raynowska, Bernard  
 Stone, Joseph  
 Weare, Everett

**STRAFFORD**

Brown, George  
 DeChane, Marlene  
 Hambrick, Patricia  
 Loder, Suzanne  
 Merritt, Deborah  
 Steadman, Frederick  
 Vincent, Francis

Brown, Julie  
 Douglass, Clyde  
 Hemon, Roland  
 Lundborn, Raymond  
 Pelletier, Arthur  
 Tessimond, Shane  
 Wall, Janet

Callaghan, Frank  
 Dunlap, Patricia  
 Keans, Sandra  
 McKinley, Robert  
 Snyder, Clair  
 Torr, Ann  
 Wasson, Richard

Chagnon, Ronald  
 Grassie, Anne  
 Knowles, William  
 Merrill, Amanda  
 Spear, Barbara  
 Torr, Franklin

**SULLIVAN**

Allison, David  
 Krueger, Richard

Behrens, Thomas  
 Lindblade, Eric

Cloutier, John  
 Schotanus, Merle

Flint, Gordon  
 Stettenheim, Sandy

**NAYS 105****BELKNAP**

Boriso, Thomas	Johnson, James	Lawton, David	Rice, Thomas, Jr.
Thomas, John	Wendelboe, Francine		

**CARROLL**

Chandler, Gene	Lyman, L. Randy	Mock, Henry	Patten, Betsey
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**CHESHIRE**

Avery, Stephen	Burnham, Daniel	Kingsbury, H. Thayer	Richardson, Barbara
Steere, Myron, III			

**COOS**

Mears, Edgar

**GRAFTON**

Chase, Paul, Jr.	Copenhaver, Marion	Guest, Robert	Ham, Bonnie
Mirski, Paul	Nordgren, Sharon	Williams, William, Jr.	

**HILLSBOROUGH**

Aksten, Cheryl	Alukonis, David	Arnold, Thomas, Jr.	Asselin, Robert
Buckley, Raymond	Burke, M. Virginia	Champagne, Norma	Clegg, Robert, Jr.
Cote, David	Desrosiers, William	Drabinowicz, A. Theresa	Feng, David
Fenton, James	Francoeur, Gary	Gibson, John	Goulet, Maurice
Haettenschwiller, Alphonse	Hall, Betty	Hansen, Herbert	Holley, Sylvia
Hunter, Bruce	Jean, Loren	Krochmal, Mark	Kurk, Neal
L'Heureux, Robert	Lefebvre, Roland	Letendre, Evelyn	Luebker, Bernard
MacGillivray, Jeffrey	MacIntyre, Doris	Martin, Mary	McRae, Karen
Melcher, Harold	Mittelman, David	O'Rourke, Joanne	Reidy, Frank
Riley, Frances	Sallada, Roland	Showerman, Peter	Taylor, Paul

**MERRIMACK**

Brown, Mary	Chandler, Earle	Crowell, Peter	Daneault, Gabriel
Dunn, Miriam	Jacobson, Alf	Kennedy, Richard	Langer, Ray
Trombly, Rick	Varsalone, Robert	Wallner, Mary Jane	

**ROCKINGHAM**

Dodge, Robert	Dolan, Richard	Flanders, David	Gorman, Donald
Henderson, Warren	Kane, Cecelia	Kobel, Rudolph	Malcolm, Ken
McCarthy, John, Jr.	Morris, Debbie	Nowe, Ronald	Packard, Sherman
Pantelakos, Laura	Putnam, Ed, II	Rubin, George	Splaine, James
Syracusa, Anthony	Tufts, J. Arthur	Vaughn, Charles	

**STRAFFORD**

Berube, Roger	Hanlon, Mark	Hilliard, Dana	McCann, William, Jr.
Musler, George	Sullivan, Henry	Torr, Ralph	Wheeler, Katherine
Williams, Howard			

**SULLIVAN**

Adler, Rudolf	Scott, Robert	Whipple, Allen
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and the report was adopted.

**HB 378-FN-L**, requiring that criminal history record inquiries for teachers shall include all 50 states. **RE-REFER TO COMMITTEE**

Rep. James E. Ross for Education: After extensive discussion by the committee, it was felt that this bill has significant importance to require additional study. Vote 19-0.

Adopted.

**HB 506-FN-A-L**, relative to the New Hampshire school food service program and making an appropriation therefor. **UGHT TO PASS**

Rep. Jane E. O'Hearn for Education: This bill makes an appropriation for school breakfast programs and makes a supplemental appropriation for school lunch programs providing districts meet certain criteria. This program will give .02 per breakfast. It is the opinion of the majority of the committee that nutrition is an important part of the educational process. The state has not increased its funding to food service program since 1972. We believe breakfast is most important to our children and to their learning. Vote 12-7.

Rep. Wright spoke against.

Rep. Larson spoke in favor and yielded to questions.

On a division vote, 220 members having voted in the affirmative and 107 in the negative, the report was adopted. Referred to Finance.

Rep. Pappas did not vote and intended to vote yea.

**HB 117-FN**, changing the name of the department of agriculture to the department of agriculture, markets, and food; clarifying the mission of the department and the responsibilities of the commissioner; and revising the composition and responsibilities of the agricultural advisory board. **UGHT TO PASS WITH AMENDMENT**

Rep. Richard T. Trelfa for Environment and Agriculture: This bill changes the name of the Department of Agriculture more accurately to reflect its mission in a changing agricultural and marketing environment and clarifies the responsibilities of the Commissioner. It revises the composition and responsibilities of the Agricultural Advisory Board. Vote 19-0.

**<Amendment (1370L)**

Amend RSA 425:2, III as inserted by section 2 of the bill by replacing it with the following:

III. Regulating the quality and grade of agricultural crops and supplies and food products. Nothing in this paragraph shall be construed to apply to dietary supplements as defined in 21 U.S.C. 321, as amended by the Dietary Supplement Health and Education Act of 1994, and as may be amended from time to time.

Amend RSA 425:2, V as inserted by section 2 of the bill by replacing it with the following:

V. Cooperating with other agencies of the state and federal governments, the university of New Hampshire, commodity and consumer groups in the public interest and all who are engaged within this state in any form of agriculture, or its allied vocations, for advise on those activities.

Amend RSA 425:22, I as inserted by section 3 of the bill by replacing it with the following:

I. There shall be a board advisory to the commissioner of agriculture, markets, and food which shall consist of the following 15 members:

- (a) Ten members, one from each county, actively engaged in agriculture.
- (b) One member who shall represent the petroleum industry.
- (c) One member who shall represent the food distribution industry.
- (d) One member who shall represent the food retailing industry.
- (e) One member who shall represent consumer interests.
- (f) One member who shall represent the advertising industry.

Amend RSA 425:22 as inserted by section 3 of the bill by inserting after paragraph IV the following new paragraph:

V. A member who has 2 unexcused absences from meetings of the board shall be automatically dropped from the board, and a new member shall be appointed before the next meeting. Adopted.

Report adopted and ordered to third reading.

**HB 292-L**, changing the minimum acreage to qualify for current use from 10 acres to one acre. **RE-REFER TO COMMITTEE**

Rep. Donald R. Philbrick for Environment and Agriculture: It was unanimously agreed within the committee and after consultation with the sponsor to use this bill as a vehicle to study the issue of discretionary easements and propose new legislation. Vote 16-0.

Adopted.

Rep. Lee declared a conflict of interest and did not participate.



**HB 351**, establishing an environmental research advisory committee. **OUGHT TO PASS**

Rep. Betty B. Hall for Environment and Agriculture: The Environment and Agriculture Committee unanimously supports establishing a process for utilizing the expertise of the University of New Hampshire environmental and agricultural research facilities. The passage of this bill will set up such a process. Vote 17-0.

Adopted and ordered to third reading.

**HB 318-FN-L**, relative to the disposition of revenue received by the bureau of common carriers, department of safety. **INEXPEDIENT TO LEGISLATE**

Rep. Frances L. Riley for Finance: This bill would have deposited revenues from the Bureau of Common Carriers into the Highway Fund instead of the General Fund. Although the intent is admirable, the committee feels this is not the appropriate time to drain money from the General Fund. Also, there are other legislative vehicles pending which will address the same interests. Vote 13-12.

Rep. John Chandler spoke against and yielded to questions.

Rep. Channing Brown spoke in favor and yielded to questions.

Rep. Kurk requested a roll call; sufficiently seconded. The question being the adoption of the report.

**YEAS 194 - NAYS 138****YEAS 194****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Golden, Paul	Holbrook, Robert
Hurt, George	Johnson, James	Lawton, Robert	Rosen, Ralph
Smith, Linda	Thomas, John	Turner, Robert	Wendelboe, Francine
Ziegra, Alice			

**CARROLL**

Beach, Mildred	Bradley, Jeb	Cooper, Kipp	Foster, Robert
Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy	Mock, Henry
Patten, Betsey			

**CHESHIRE**

Cole, Stacey	Feuer, Joseph	Hunt, John	Laurent, John
Manning, Joseph	McNamara, Wanda	Royce, H. Charles	

**COOS**

Davis, Perley	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
St. Hilaire, Paul			

**GRAFTON**

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Connolly, Steven	Ham, Bonnie	Hill, Richard	LaMott, Paul
Larson, Nils, Jr.	MacNeil, Allen	Mirski, Paul	Phinney, William
Scanlan, David	Teschner, Douglass	Trelfa, Richard	

**HILLSBOROUGH**

Aksten, Cheryl	Andrews, Frederick	Barry, Janet	Belvin, William
Brundige, Robert	Burke, M. Virginia	Calawa, Leon, Jr.	Cepaitis, Elizabeth
Chabot, Robert	Champagne, Norma	Daniels, Gary	Desrosiers, William
Dodge, Emma	Dykstra, Leona	Feng, David	Fenton, James
Ferguson, Charles	Fields, Dennis	Franks, Suzan	Gagnon, Eugene
Gibson, John	Gotham, Rita	Hart, Nick	Herman, Keith
Holden, Carol	Holley, Sylvia	Holt, David	Holt, Mark
Hunter, Bruce	Jean, Loren	Johnson, Lionel	Kane, Laura
Kelley, Robert	Kurk, Neal	Legacy, Earl	Lozeau, Donnalee
MacIntyre, Doris	McMahon, Donald	McRae, Karen	Mercer, Robert
Mittelman, David	Moncrief, Keith	Morello, Michael	Packard, Bonnie
Perkins, Paul	Riley, Frances	Sallada, Roland	Sargent, Maxwell

Showerman, Peter  
Turgeon, Roland

Streeter, Janice  
Wheeler, Robert

Sullens, Joan  
White, Donald

Thulander, O. Alan  
Wright, George

### MERRIMACK

Adams, Stephen  
Chandler, Earle  
Lamach, Bernard  
Nichols, Avis  
Warner, Richard

Barberia, Richard  
Crowell, Peter  
Langer, Ray  
Patenaude, Amy  
Whalley, Michael

Brown, Mary  
Daneault, Gabriel  
MacKay, James  
Pitman, Mary Ellen  
Willis, Jack

Buessing, Marjorie  
Hess, David  
Morrill, Olive  
Varsalone, Robert

### ROCKINGHAM

Aranda, M. Kathryn  
Belanger, Ronald  
Clark, Vivian  
Dowd, Sandra  
Flanagan, Natalie  
Goddard, Warren  
Johnson, Robert  
Kobel, Rudolph  
Lovejoy, Marian  
Packard, Sherman  
Ross, James  
Stitch, C. Donald  
Tufts, J. Arthur  
Yennaco, Carol

Arndt, Janet  
Carson, Gregory  
Conroy, Janet  
Dowling, Patricia  
Flanders, David  
Gorman, Donald  
Katsakiores, George  
Kruse, Fred  
Magoon, Harold  
Pratt, Katharin  
Scanlon, Edward  
Syracusa, Anthony  
Vaughn, Charles

Battles, Marjorie  
Case, Margaret  
Crossman, Harold, Jr.  
Dunham, Vivian  
Flanders, John, Sr.  
Henderson, Warren  
Katsakiores, Phyllis  
Langley, Jane  
McCarthy, John, Jr.  
Putnam, Ed, II  
Smith, Arthur  
Sylek, Donna  
Weare, Everett

Beaulieu, Jon  
Christie, Andrew, Jr.  
Dodge, Robert  
Fesh, Robert  
Gargiulo, Louis  
Hurst, Sharleene  
Klemm, Arthur, Jr.  
Lee, Rebecca  
McGovern, Cynthia  
Raynowska, Bernard  
Stone, Joseph  
Sytek, John  
Welch, David

### STRAFFORD

Douglass, Clyde  
Musler, George  
Torr, Franklin

Dunlap, Patricia  
Spear, Barbara  
Torr, Ralph

Hanlon, Mark  
Steadman, Frederick  
Wasson, Richard

Keans, Sandra  
Torr, Ann

### SULLIVAN

Adler, Rudolf  
Schotanus, Merle

Behrens, Thomas  
Scott, Robert

Krueger, Richard

Lindblade, Eric

### NAYS 138

### BELKNAP

Cain, Thomas

Rice, Thomas, Jr.

### CARROLL

Babson, David, Jr.

Chandler, Gene

Philbrick, Donald

### CHESHIRE

Avery, Stephen  
Doucette, Richard  
Richardson, Barbara  
Wollner, Robert

Burnham, Daniel  
Kingsbury, H. Thayer  
Riley, William

Champagne, Richard  
Lynch, Margaret  
Smith, Edwin

DePecol, Benjamin  
McGuirk, Paul  
Steere, Myron, III

### COOS

Bradley, Paula  
Mayhew, Josephine

Coulombe, Henry  
Mears, Edgar

Coulombe, Yvonne

Hawkinson, Marie

### GRAFTON

Below, Clifton  
Lovett, Sidney

Copenhaver, Marion  
Nordgren, Sharon

Crory, Elizabeth  
Tucker, John

Guest, Robert  
Williams, William, Jr.

### HILLSBOROUGH

Ahern, Richard  
Arnold, Thomas, Jr.  
Buckley, Raymond

Allen, W. Gordon  
Asselin, Robert  
Clegg, Robert, Jr.

Alukonis, David  
Bergeron, Normand  
Cote, David

Amidon, Eleanor  
Boutin, David  
Cote, Peter

Dokmo, Cynthia  
 Foster, Linda  
 Hall, Betty  
 Kirby, Thomas  
 Laughlin, J. Francis  
 Marcinkowski, Michael  
 O'Rourke, Joanne  
 Soucy, Donna  
 White, John

Drabinowicz, A. Theresa  
 Francoeur, Gary  
 Hallyburton, Margaret  
 Krochmal, Mark  
 Letendre, Evelyn  
 McCarty, Winston  
 Pepino, Leo  
 Taylor, Paul  
 Worthen, Dorothy

Durham, Susan  
 Goulet, Maurice  
 Hansen, Herbert  
 L'Heureux, Robert  
 Luebker, Bernard  
 Melcher, Harold  
 Philbrook, Paula  
 Toomey, Kathryn

Dwyer, Paul, Sr.  
 Haettenschwiller, Alphonse  
 Jean, Claudette  
 LaRose, Richard  
 MacGillivray, Jeffrey  
 Messier, Irene  
 Reidy, Frank  
 Wheeler, Craig

### MERRIMACK

Chandler, John  
 Fraser, Marilyn  
 Owen, Derek  
 Weeks, John, Jr.

Crosby, Toni  
 Jacobson, Alf  
 Rogers, Katherine  
 Whittemore, James

DeStefano, Stephen  
 Lockwood, Robert  
 Trombly, Rick

Dunn, Miriam  
 Moore, Carol  
 Wallner, Mary Jane

### ROCKINGHAM

Abbott, Dennis  
 Coes, Betsy  
 Kelley, Jane  
 Nowe, Ronald  
 Splaine, James

Bishop, Franklin  
 Dolan, Richard  
 Malcolm, Ken  
 Noyes, Richard  
 Weyler, Kenneth

Boucher, William  
 Gleason, John  
 McKinney, Betsy  
 Pantelakos, Laura

Camm, Kevin  
 Kane, Cecelia  
 Morris, Debbie  
 Rubin, George

### STRAFFORD

Berube, Roger  
 DeChane, Marlene  
 Knowles, William  
 McKinley, Robert  
 Snyder, Clair  
 Wall, Janet

Brown, George  
 Grassie, Anne  
 Loder, Suzanne  
 Merrill, Amanda  
 Sullivan, Henry  
 Wheeler, Katherine

Callaghan, Frank  
 Hambrick, Patricia  
 Lundborn, Raymond  
 Merritt, Deborah  
 Tessimond, Shane  
 Williams, Howard

Chagnon, Ronald  
 Hilliard, Dana  
 McCann, William, Jr.  
 Pelletier, Arthur  
 Vincent, Francis

### SULLIVAN

Allison, David  
 Whipple, Allen

Cloutier, John

Flint, Gordon

Stettenheim, Sandy

and the report was adopted.

Reps. Hemon and Pappas did not vote and intended to vote yea.

**HB 535-FN-A-L**, establishing a proportional statewide property tax to provide equal per student funding for state-mandated education, funding for kindergarten, local property tax relief for certain highly taxed municipalities and taxpayers and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Karen K. McRae for Finance: This bill proposed a very complicated statewide property tax with a circuit breaker capping individual taxes that would have incurred costs to administer. The actual cost of the circuit breaker is not known at this time. Also, tax increases were projected for 22 percent of citizens and 27 percent of businesses of the state. Vote 15-10.

Rep. Allen spoke against and yielded to questions.

Rep. McRae spoke in favor.

Rep. Gibson requested a roll call; sufficiently seconded. The question being the adoption of the report.

**YEAS 257 - NAYS 78**

**YEAS 257**

### BELKNAP

Bartlett, Gordon  
 Holbrook, Robert  
 Rice, Thomas, Jr.  
 Turner, Robert

Boriso, Thomas  
 Hurt, George  
 Rosen, Ralph  
 Wendelboe, Francine

Cain, Thomas  
 Johnson, James  
 Smith, Linda  
 Ziegler, Alice

Golden, Paul  
 Lawton, Robert  
 Thomas, John

**CARROLL**

Babson, David, Jr.  
Cooper, Kipp  
Lyman, L. Randy

Beach, Mildred  
Foster, Robert  
Mock, Henry

Bradley, Jeb  
Howard, Godfrey  
Patten, Betsey

Chandler, Gene  
Kenney, Joseph  
Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
Laurent, John  
Royce, H. Charles

Cole, Stacey  
Manning, Joseph  
Smith, Edwin

Feuer, Joseph  
McNamara, Wanda  
Steere, Myron, III

Hunt, John  
Metzger, Katherine

**COOS**

Coulombe, Henry  
Horton, Lynn

Coulombe, Yvonne  
St. Hilaire, Paul

Davis, Perley

Guay, Lawrence

**GRAFTON**

Adams, Carl  
Chase, Paul, Jr.  
LaMott, Paul  
Phinney, William  
Tucker, John

Bean, Pamela  
Connolly, Steven  
Larson, Nils, Jr.  
Scanlan, David  
Williams, William, Jr.

Brown, Alson  
Ham, Bonnie  
MacNeil, Allen  
Teschner, Douglass

Brown, Channing  
Hill, Richard  
Mirski, Paul  
Trelfa, Richard

**HILLSBOROUGH**

Aksten, Cheryl  
Arnold, Thomas, Jr.  
Brundige, Robert  
Chabot, Robert  
Daniels, Gary  
Durham, Susan  
Ferguson, Charles  
Franks, Suzan  
Goulet, Maurice  
Herman, Keith  
Holt, Mark  
Johnson, Lionel  
Kurk, Neal  
Legacy, Earl  
MacGillivray, Jeffrey  
McMahon, Donald  
Mittelman, David  
Pappas, Marc  
Sallada, Roland  
Sullens, Joan  
Wheeler, Robert

Alukonis, David  
Barry, Janet  
Burke, M. Virginia  
Champagne, Norma  
Desrosiers, William  
Dykstra, Leona  
Fields, Dennis  
Gagnon, Eugene  
Hallyburton, Margaret  
Holden, Carol  
Hunter, Bruce  
Kane, Laura  
L'Heureux, Robert  
Letendre, Evelyn  
MacIntyre, Doris  
McRae, Karen  
Moncrief, Keith  
Pepino, Leo  
Sargent, Maxwell  
Taylor, Paul  
White, Donald

Amidon, Eleanor  
Belvin, William  
Calawa, Leon, Jr.  
Clegg, Robert, Jr.  
Dodge, Emma  
Feng, David  
Foster, Linda  
Gibson, John  
Hansen, Herbert  
Holley, Sylvia  
Jean, Claudette  
Kelley, Robert  
LaRose, Richard  
Lozeau, Donnalee  
Marcinkowski, Michael  
Mercer, Robert  
Morello, Michael  
Perkins, Paul  
Showerman, Peter  
Thulander, O. Alan  
Worthen, Dorothy

Andrews, Frederick  
Boutin, David  
Cepaitis, Elizabeth  
Coto, David  
Dokmo, Cynthia  
Fenton, James  
Francoeur, Gary  
Gotham, Rita  
Hart, Nick  
Holt, David  
Jean, Loren  
Krochmal, Mark  
Laughlin, J. Francis  
Luebker, Bernard  
McCarty, Winston  
Milligan, Robert  
Packard, Bonnie  
Riley, Frances  
Streeter, Janice  
Turgeon, Roland  
Wright, George

**MERRIMACK**

Adams, Stephen  
Chandler, Charles  
DeStefano, Stephen  
Langer, Ray  
Nichols, Avis  
Warner, Richard

Barberia, Richard  
Chandler, Earle  
Hess, David  
Lockwood, Robert  
Patenaude, Amy  
Whalley, Michael

Brown, Mary  
Chandler, John  
Jacobson, Alf  
MacKay, James  
Pitman, Mary Ellen  
Whittemore, James

Buessing, Marjorie  
Crowell, Peter  
Lamach, Bernard  
Morrill, Olive  
Varsalone, Robert  
Willis, Jack

**ROCKINGHAM**

Aranda, M. Kathryn  
Belanger, Ronald  
Case, Margaret  
Crossman, Harold, Jr.

Arndt, Janet  
Boucher, William  
Christie, Andrew, Jr.  
Dodge, Robert

Battles, Marjorie  
Camm, Kevin  
Clark, Vivian  
Dolan, Richard

Beaulieu, Jon  
Carson, Gregory  
Conroy, Janet  
Dowd, Sandra

Dowling, Patricia  
Flanders, David  
Goddard, Warren  
Hutchinson, Karen  
Klemm, Arthur, Jr.  
Magoon, Harold  
Morris, Debbie  
Pantelakos, Laura  
Ross, James  
Splaine, James  
Sytek, John  
Weyler, Kenneth

Dunham, Vivian  
Flanders, John, Sr.  
Gorman, Donald  
Johnson, Robert  
Kobel, Rudolph  
Malcolm, Ken  
Nowe, Ronald  
Pratt, Katharin  
Rubin, George  
Stone, Joseph  
Tufts, J. Arthur  
Yennaco, Carol

Fesh, Robert  
Gargiulo, Louis  
Henderson, Warren  
Katsakiores, George  
Kruse, Fred  
McCarthy, John, Jr.  
Noyes, Richard  
Putnam, Ed, II  
Scanlon, Edward  
Stritch, C. Donald  
Weare, Everett

Flanagan, Natalie  
Gleason, John  
Hurst, Sharleene  
Katsakiores, Phyllis  
Langley, Jane  
McKinney, Betsy  
Packard, Sherman  
Raynowska, Bernard  
Smith, Arthur  
Sytek, Donna  
Welch, David

## STRAFFORD

Brown, George  
Dunlap, Patricia  
McKinley, Robert  
Torr, Ann  
Wasson, Richard

Callaghan, Frank  
Hanlon, Mark  
Snyder, Clair  
Torr, Franklin  
Williams, Howard

Chagnon, Ronald  
Hemon, Roland  
Spear, Barbara  
Torr, Ralph

Douglass, Clyde  
Knowles, William  
Steadman, Frederick  
Vincent, Francis

## SULLIVAN

Adler, Rudolf  
Schotanus, Merle

Behrens, Thomas  
Scott, Robert

Krueger, Richard  
Whipple, Allen

Lindblade, Eric

## NAYS 78

## BELKNAP

None

## CARROLL

None

## CHESHIRE

Burnham, Daniel  
Lynch, Margaret  
Robertson, Timothy

Champagne, Richard  
McGuirk, Paul  
Russell, Ronald

Doucette, Richard  
Richardson, Barbara  
Wollner, Robert

Kingsbury, H. Thayer  
Riley, William

## COOS

Bradley, Paula

Hawkinson, Marie

Mayhew, Josephine

Mears, Edgar

## GRAFTON

Below, Clifton  
Lovett, Sidney

Copenhaver, Marion  
Nordgren, Sharon

Crory, Elizabeth

Guest, Robert

## HILLSBOROUGH

Ahern, Richard  
Buckley, Raymond  
Hall, Betty  
Messier, Irene  
Soucy, Donna

Allen, W. Gordon  
Cote, Peter  
Kirby, Thomas  
O'Rourke, Joanne  
Toomey, Kathryn

Asselin, Robert  
Drabinowicz, A. Theresa  
Martin, Mary  
Philbrook, Paula  
Wheeler, Craig

Bergeron, Normand  
Haettenschwiller, Alphonse  
Melcher, Harold  
Reidy, Frank  
White, John

## MERRIMACK

Crosby, Toni  
Moore, Carol  
Wallner, Mary Jane

Daneault, Gabriel  
Owen, Derek  
Weeks, John, Jr.

Dunn, Miriam  
Rogers, Katherine

Fraser, Marilyn  
Trombly, Rick

## ROCKINGHAM

Abbott, Dennis  
Kelley, Jane  
Vaughn, Charles

Bishop, Franklin  
Lovejoy, Marian

Coes, Betsy  
McGovern, Cynthia

Kane, Cecelia  
Syracusa, Anthony

**STRAFFORD**

Berube, Roger  
Keans, Sandra  
Merrill, Amanda  
Wall, Janet

DeChane, Marlene  
Loder, Suzanne  
Merritt, Deborah  
Wheeler, Katherine

Grassie, Anne  
Lundborn, Raymond  
Pelletier, Arthur

Hambrick, Patricia  
McCann, William, Jr.  
Sullivan, Henry

**SULLIVAN**

Allison, David

Cloutier, John

Flint, Gordon

Stettenheim, Sandy

and the report was adopted.

**HB 332-FN-A**, providing for certain services for the developmentally disabled and making an appropriation therefor. **OUGHT TO PASS**

Rep. Eleanor H. Amidon for Health, Human Services and Elderly Affairs: Practicality and emotion conflicted on this bill which affirms the funding requested by the Division of Mental Health and Developmental Services of the Department of Health and Human Services to give support to those developmentally disabled persons trained to function in society but needing maintenance support. Only those in the critical priority "1 + 2" of the five categories "wait listed" and projected clients would be aided. Of equal importance to the funding request is the extension of the Advisory Committee to the Director of the Division of Mental Health which directs priorities for funding allocations of the operating budget. The Fiscal Note calls for state expenditures of \$4.4 million in FY '96 and \$6.1 million in FY '97. Vote 17-1.

On a division vote, 217 members having voted in the affirmative and 110 in the negative, the Committee report was adopted. Referred to Finance.

Rep. Mears voted nay and intended to vote yea.

**HB 472-FN**, requiring the division of public health services to establish a needle exchange pilot program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Cecelia D. Kane for Health, Human Services and Elderly Affairs: This bill required the Division of Public Health Services to establish a pilot needle-exchange program. By its vote of 17-1, the Committee has affirmed its long-standing commitment to reducing the spread of HIV and other blood-borne infectious diseases frequently transmitted by needles. Needle-exchange programs have had positive statistical results across the country and have not increased drug abuse. The amendment gives communities the option of deciding whether the pilot program should be implemented. Vote 17-1.

**Amendment (1251L)**

Amend paragraph II of section 2 of the bill by replacing it with the following:

II. The local municipal government, including the health officer of a chosen community shall have the option to determine if the pilot program will be implemented in the community.

**AMENDED ANALYSIS**

This bill requires the director of the division of public health services to establish, with the assistance of an advisory committee, a 2-year needle exchange pilot program to reduce the spread of AIDS in New Hampshire. The pilot program is to be implemented in up to 3 communities in New Hampshire. The communities have the option of deciding whether the pilot program should be implemented in their communities. The director is granted rulemaking authority to implement the provisions of the bill.

Adopted.

Rep. Copenhaver spoke in favor and yielded to questions.

Rep. Stephen Adams requested a roll call; sufficiently seconded. The question being the adoption of the report.

**YEAS 215 - NAYS 123**

**YEAS 215**

**BELKNAP**

Bartlett, Gordon  
Ziegler, Alice

Boriso, Thomas

Rice, Thomas, Jr.

Smith, Linda

**CARROLL**

Beach, Mildred  
Howard, Godfrey

Bradley, Jeb  
Kenney, Joseph

Cooper, Kipp  
Mock, Henry

Foster, Robert

**CHESHIRE**

Avery, Stephen  
Feuer, Joseph  
Manning, Joseph  
Riley, William  
Smith, Edwin

Burnham, Daniel  
Hunt, John  
McGuirk, Paul  
Robertson, Timothy  
Wollner, Robert

Champagne, Richard  
Kingsbury, H. Thayer  
Metzger, Katherine  
Royce, H. Charles

DePecol, Benjamin  
Lynch, Margaret  
Richardson, Barbara  
Russell, Ronald

**COOS**

Bradley, Paula  
Hawkinson, Marie  
Pratt, Leighton

Coulombe, Henry  
Horton, Lynn  
St. Hilaire, Paul

Coulombe, Yvonne  
Mayhew, Josephine

Davis, Perley  
Mears, Edgar

**GRAFTON**

Adams, Carl  
Brown, Channing  
Guest, Robert  
Lovett, Sidney  
Scanlan, David

Bean, Pamela  
Connolly, Steven  
Ham, Bonnie  
MacNeil, Allen  
Teschner, Douglass

Below, Clifton  
Copenhaver, Marion  
LaMott, Paul  
Mirski, Paul  
Trelfa, Richard

Brown, Alson  
Crory, Elizabeth  
Larson, Nils, Jr.  
Nordgren, Sharon

**HILLSBOROUGH**

Ahern, Richard  
Arnold, Thomas, Jr.  
Buckley, Raymond  
Cote, Peter  
Durham, Susan  
Fields, Dennis  
Haettenschwiller, Alphonse  
Holden, Carol  
Jean, Loren  
LaRose, Richard  
McRae, Karen  
Morello, Michael  
Reidy, Frank  
Streeter, Janice  
Turgeon, Roland

Allen, W. Gordon  
Asselin, Robert  
Cepaitis, Elizabeth  
Desrosiers, William  
Dwyer, Paul, Sr.  
Foster, Linda  
Hall, Betty  
Holt, David  
Johnson, Lionel  
Legacy, Earl  
Melcher, Harold  
O'Rourke, Joanne  
Sallada, Roland  
Sullens, Joan  
Wheeler, Craig

Alukonis, David  
Bergeron, Normand  
Chabot, Robert  
Dokmo, Cynthia  
Dykstra, Leona  
Franks, Suzan  
Hallyburton, Margaret  
Holt, Mark  
Kelley, Robert  
Martin, Mary  
Messier, Irene  
Perkins, Paul  
Sargent, Maxwell  
Taylor, Paul  
White, John

Amidon, Eleanor  
Brundige, Robert  
Cote, David  
Drabinowicz, A. Theresa  
Ferguson, Charles  
Gagnon, Eugene  
Hart, Nick  
Jean, Claudette  
Kurk, Neal  
McCarty, Winston  
Milligan, Robert  
Philbrook, Paula  
Soucy, Donna  
Toomey, Kathryn

**MERRIMACK**

Chandler, Charles  
Dunn, Miriam  
Lamach, Bernard  
Morrill, Olive  
Trombly, Rick

Chandler, John  
Fraser, Marilyn  
Lockwood, Robert  
Nichols, Avis  
Wallner, Mary Jane

Crosby, Toni  
Jacobson, Alf  
MacKay, James  
Owen, Derek  
Warner, Richard

Daneault, Gabriel  
Kennedy, Richard  
Moore, Carol  
Rogers, Katherine  
Whittemore, James

**ROCKINGHAM**

Abbott, Dennis  
Boucher, William  
Clark, Vivian  
Dolan, Richard  
Gleason, John  
Hutchinson, Karen  
Kruse, Fred  
McCarthy, John, Jr.  
Pantelakos, Laura  
Splaine, James  
Vaughn, Charles

Battles, Marjorie  
Carson, Gregory  
Coes, Betsy  
Dowling, Patricia  
Gorman, Donald  
Johnson, Robert  
Langley, Jane  
McGovern, Cynthia  
Pratt, Katharin  
Stritch, C. Donald

Beaulieu, Jon  
Case, Margaret  
Conroy, Janet  
Dunham, Vivian  
Henderson, Warren  
Kane, Cecelia  
Lovejoy, Marian  
McKinney, Betsy  
Raynowska, Bernard  
Syracusa, Anthony

Bishop, Franklin  
Christie, Andrew, Jr.  
Crossman, Harold, Jr.  
Gargiulo, Louis  
Hurst, Sharleene  
Kelley, Jane  
Magoon, Harold  
Noyes, Richard  
Rubin, George  
Tufts, J. Arthur

**STRAFFORD**

Berube, Roger  
Douglass, Clyde  
Hemon, Roland  
Loder, Suzanne  
Merritt, Deborah  
Sullivan, Henry  
Vincent, Francis

Brown, George  
Dunlap, Patricia  
Hilliard, Dana  
Lundborn, Raymond  
Pelletier, Arthur  
Tessimond, Shane  
Wall, Janet

Chagnon, Ronald  
Grassie, Anne  
Keans, Sandra  
McCann, William, Jr.  
Snyder, Clair  
Torr, Ann  
Wheeler, Katherine

DeChane, Marlene  
Hambrick, Patricia  
Knowles, William  
Merrill, Amanda  
Spear, Barbara  
Torr, Ralph  
Williams, Howard

**SULLIVAN**

Allison, David  
Lindblade, Eric

Behrens, Thomas  
Schotanus, Merle

Cloutier, John  
Stettenheim, Sandy

Flint, Gordon  
Whipple, Allen

**NAYS 123****BELKNAP**

Cain, Thomas  
Johnson, James  
Thomas, John

Golden, Paul  
Lawton, David  
Turner, Robert

Holbrook, Robert  
Lawton, Robert  
Wendelboe, Francine

Hurt, George  
Rosen, Ralph

**CARROLL**

Babson, David, Jr.  
Philbrick, Donald

Chandler, Gene

Lyman, L. Randy

Patten, Betsey

**CHESHIRE**

Cole, Stacey

Laurent, John

McNamara, Wanda

Steere, Myron, III

**COOS**

Guay, Lawrence

**GRAFTON**

Chase, Paul, Jr.

Phinney, William

Tucker, John

Williams, William, Jr.

**HILLSBOROUGH**

Aksten, Cheryl  
Boutin, David  
Clegg, Robert, Jr.  
Fenton, James  
Goulet, Maurice  
Hunter, Bruce  
L'Heureux, Robert  
Luebker, Bernard  
McMahon, Donald  
Packard, Bonnie  
Showerman, Peter  
Wright, George

Andrews, Frederick  
Burke, M. Virginia  
Daniels, Gary  
Francoeur, Gary  
Hansen, Herbert  
Kane, Laura  
Laughlin, J. Francis  
MacGillivray, Jeffrey  
Mercer, Robert  
Pappas, Marc  
Thulander, O. Alan

Barry, Janet  
Calawa, Leon, Jr.  
Dodge, Emma  
Gibson, John  
Herman, Keith  
Kirby, Thomas  
Letendre, Evelyn  
MacIntyre, Doris  
Mittelman, David  
Pepino, Leo  
Wheeler, Robert

Belvin, William  
Champagne, Norma  
Feng, David  
Gotham, Rita  
Holley, Sylvia  
Krochmal, Mark  
Lozeau, DonnaLee  
Marcinkowski, Michael  
Moncrief, Keith  
Riley, Frances  
White, Donald

**MERRIMACK**

Adams, Stephen  
Chandler, Earle  
Langer, Ray  
Whalley, Michael

Barberia, Richard  
Crowell, Peter  
Patenaude, Amy  
Willis, Jack

Brown, Mary  
DeStefano, Stephen  
Pitman, Mary Ellen

Buessing, Marjorie  
Hess, David  
Varsalone, Robert

**ROCKINGHAM**

Aranda, M. Kathryn  
Dodge, Robert  
Flanders, David  
Katsakiores, Phyllis

Arndt, Janet  
Dowd, Sandra  
Flanders, John, Sr.  
Klemm, Arthur, Jr.

Belanger, Ronald  
Fesh, Robert  
Goddard, Warren  
Kobel, Rudolph

Camm, Kevin  
Flanagan, Natalie  
Katsakiores, George  
Malcolm, Ken



Morris, Debbie  
 Ross, James  
 Sytek, Donna  
 Weyler, Kenneth

Nowe, Ronald  
 Scanlon, Edward  
 Sytek, John  
 Yennaco, Carol

Packard, Sherman  
 Smith, Arthur  
 Weare, Everett

Putnam, Ed, II  
 Stone, Joseph  
 Welch, David

### STRAFFORD

Callaghan, Frank  
 Torr, Franklin

Hanlon, Mark  
 Wasson, Richard

McKinley, Robert

Steadman, Frederick

### SULLIVAN

Adler, Rudolf

Krueger, Richard

Scott, Robert

and the report was adopted. Referred to Finance.

**HB 560-FN-A**, establishing a residential care pilot program and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Alson W. Brown for Health, Human Services and Elderly Affairs: This bill resulted from a study committee recommended last session by the Appropriations Committee. It was recognized that residential care fills a very valuable place in the continuum of long-term care and delays patient entry into more costly long-term care facilities. This pilot program will help stop the erosion of the number of beds available and help provide statistical data for future funding decisions. Vote 18-0.

### Amendment (1060L)

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. The general court recognizes that long-term care includes a continuum of care. The general court recognizes that New Hampshire needs a system to help elderly individuals maintain the maximum amount of independence. Residential care services are cost-effective and should be encouraged to prevent unnecessary and premature utilization of nursing home services. The general court recognizes that residential care services have an important role in the continuum of long-term care services.

#### 2 Pilot Program.

I. The director of the division of human services, department of health and human services, shall request an amendment to the federal waiver of the home and community-based care program for the elderly and chronically ill to create a pilot program for residential care services. If the waiver is approved, the director shall address by rulemaking under RSA 541-A the following:

- (a) The number of designated beds.
- (b) Client eligibility.
- (c) Service definition.
- (d) Non-covered services.
- (e) Provider qualifications.
- (f) Provider requirements.
- (g) Reimbursement.
- (h) Any other matter necessary to implement the pilot program.

II. This pilot project shall terminate at the end of the current approved period for the home and community-based care for the elderly and chronically ill on June 30, 1997.

III. The director may pursue additional funding for this project in the form of grants from federal and private foundation funds, and may expend such grants, moneys, and any appropriations for the purposes of the program.

3 Appropriation. The sum of \$600,000, \$300,000 of which shall be federal moneys, for the biennium ending June 30, 1997, is appropriated to the division of human services, department of health and human services, for the purposes of implementing the pilot program established in section 2 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect July 1, 1995.

### AMENDED ANALYSIS

This bill establishes a pilot program, which terminates on June 30, 1997, to extend the home and community-based care program for the elderly and chronically ill and requests the director of human services, department of health and human services, to amend the home and community-based care waiver for the elderly and chronically ill.

The bill makes an appropriation for the purposes of the bill.

Adopted.

Report adopted and referred to Finance.

**HB 413**, limiting the civil liability of persons engaged in equine activities. **INEXPEDIENT TO LEGISLATE**

Rep. John J. McCarthy, Jr. for Judiciary and Family Law: The committee, after consulting with the N H Insurance Department, determined that the liability problems encountered by those engaged in equine activities should be resolved by the Insurance Department rather than through legislation. The constituents with problems should meet with the Insurance Department first to see if that regulatory agency can resolve the matter. Vote 11-2.

Adopted.

**HB 427-FN**, increasing bail commissioners' fees and relative to educational requirements for bail commissioners. **OUGHT TO PASS**

Rep. Nick Hart for Judiciary and Family Law: This bill institutes an educational program for bail commissioners. The committee felt the minimal \$5 increase to \$20 was reasonable since the other surrounding states charge a \$25 fee. Vote 12-2.

Adopted and ordered to third reading.

Rep. Lovejoy declared a conflict of interest and did not participate.

**HB 444**, relative to disposal of dead fetuses. **INEXPEDIENT TO LEGISLATE**

Rep. Josephine Mayhew for Judiciary and Family Law: Current state and federal laws relative to disposal of pathological waste are very specific; the laws cover everything from exposure to blood borne pathogens to proper disposal of recognizable body parts. OSHA regulations require a detailed exposure control plan be in place for physicians' offices. The Solid Waste Rules from the N.H. Department of Environmental Services cover the removal of disposal of medical or infectious waste. Testimony indicated that these laws and regulations have been adequately enforced since 1988 when dead fetuses were found in the Concord landfill and that there have been no such further incidents.

Vote 13-2.

Reps. Goddard and Luebker spoke against.

**(Rep. David Scanlan in the Chair)**

Reps. Mayhew and Keans spoke in favor.

Reps. Wendleboe and Daniels spoke against and yielded to questions.

Rep. Lockwood spoke in favor and yielded to questions.

Rep. Goddard requested a roll call; sufficiently seconded. The question being the adoption of the report.

**YEAS 262 - NAYS 66**

**YEAS 262**

**BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Smith, Linda

Boriso, Thomas  
Hurt, George  
Thomas, John

Cain, Thomas  
Lawton, David  
Turner, Robert

Golden, Paul  
Rice, Thomas, Jr.  
Ziegler, Alice

**CARROLL**

Babson, David, Jr.  
Cooper, Kipp  
Philbrick, Donald

Beach, Mildred  
Foster, Robert

Bradley, Jeb  
Mock, Henry

Chandler, Gene  
Patten, Betsey

**CHESHIRE**

Avery, Stephen  
DePecol, Benjamin  
Kingsbury, H. Thayer  
Metzger, Katherine  
Russell, Ronald

Burnham, Daniel  
Doucette, Richard  
Lynch, Margaret  
Richardson, Barbara  
Smith, Edwin

Champagne, Richard  
Feuer, Joseph  
McGuirk, Paul  
Robertson, Timothy  
Wollner, Robert

Cole, Stacey  
Hunt, John  
McNamara, Wanda  
Royce, H. Charles

**COOS**

Bradley, Paula  
Guay, Lawrence  
Mears, Edgar

Burns, Harold  
Hawkinson, Marie  
Pratt, Leighton

Coulombe, Henry  
Horton, Lynn  
St. Hilaire, Paul

Davis, Perley  
Mayhew, Josephine

**GRAFTON**

Adams, Carl  
Brown, Channing  
Ham, Bonnie  
Nordgren, Sharon  
Tucker, John

Bean, Pamela  
Copenhaver, Marion  
LaMott, Paul  
Phinney, William  
Williams, William, Jr.

Below, Clifton  
Crary, Elizabeth  
Larson, Nils, Jr.  
Teschner, Douglass

Brown, Alson  
Guest, Robert  
Lovett, Sidney  
Trelfa, Richard

**HILLSBOROUGH**

Aksten, Cheryl  
Andrews, Frederick  
Belvin, William  
Champagne, Norma  
Dokmo, Cynthia  
Feng, David  
Foster, Linda  
Hall, Betty  
Holt, David  
Johnson, Lionel  
Laughlin, J. Francis  
Lozeau, Donnalee  
McRae, Karen  
Milligan, Robert  
Packard, Bonnie  
Reidy, Frank  
Streeter, Janice  
Toomey, Kathryn  
White, John

Allen, W. Gordon  
Arnold, Thomas, Jr.  
Bergeron, Normand  
Cote, David  
Durham, Susan  
Fenton, James  
Franks, Suzan  
Hansen, Herbert  
Holt, Mark  
Kane, Laura  
Lefebvre, Roland  
MacGillivray, Jeffrey  
Melcher, Harold  
Mittelman, David  
Pappas, Marc  
Sallada, Roland  
Sullens, Joan  
Turgeon, Roland  
Wright, George

Alukonis, David  
Asselin, Robert  
Buckley, Raymond  
Cote, Peter  
Dwyer, Paul, Sr.  
Ferguson, Charles  
Gagnon, Eugene  
Hart, Nick  
Hunter, Bruce  
Krochmal, Mark  
Legacy, Earl  
MacIntyre, Doris  
Mercer, Robert  
Morello, Michael  
Perkins, Paul  
Sargent, Maxwell  
Taylor, Paul  
Wheeler, Craig

Amidon, Eleanor  
Barry, Janet  
Calawa, Leon, Jr.  
Dodge, Emma  
Dykstra, Leona  
Fields, Dennis  
Haettenschwiller, Alphonse  
Herman, Keith  
Jean, Claudette  
Kurk, Neal  
Letendre, Evelyn  
McCarty, Winston  
Messier, Irene  
O'Rourke, Joanne  
Philbrook, Paula  
Soucy, Donna  
Thulander, O. Alan  
Wheeler, Robert

**MERRIMACK**

Buessing, Marjorie  
Crosby, Toni  
Dunn, Miriam  
Lamach, Bernard  
Moore, Carol  
Patenaude, Amy  
Varsalone, Robert  
Whittemore, James

Chandler, Charles  
Crowell, Peter  
Fraser, Marilyn  
Langer, Ray  
Morrill, Oliver  
Pitman, Mary Ellen  
Wallner, Mary Jane

Chandler, Earle  
Daneault, Gabriel  
Hess, David  
Lockwood, Robert  
Nichols, Avis  
Rogers, Katherine  
Warner, Richard

Chandler, John  
DeStefano, Stephen  
Jacobson, Alf  
MacKay, James  
Owen, Derek  
Trombly, Rick  
Weeks, John, Jr.

**ROCKINGHAM**

Aranda, M. Kathryn  
Boucher, William  
Christie, Andrew, Jr.  
Crossman, Harold, Jr.  
Fesh, Robert  
Gargiulo, Louis  
Hutchinson, Karen  
Kelley, Jane  
Langley, Jane  
McCarthy, John, Jr.  
Pantelakos, Laura  
Ross, James  
Stone, Joseph  
Vaughn, Charles

Battles, Marjorie  
Camm, Kevin  
Clark, Vivian  
Dolan, Richard  
Flanagan, Natalie  
Gleason, John  
Johnson, Robert  
Klemm, Arthur, Jr.  
Lovejoy, Marian  
McGovern, Cynthia  
Pratt, Katharin  
Rubin, George  
Stritch, C. Donald  
Weare, Everett

Beaulieu, Jon  
Carson, Gregory  
Coes, Betsy  
Dowd, Sandra  
Flanders, David  
Gorman, Donald  
Kane, Cecelia  
Kobel, Rudolph  
Magoon, Harold  
McKinney, Betsy  
Putnam, Ed, II  
Scanlon, Edward  
Syracusa, Anthony  
Weyler, Kenneth

Belanger, Ronald  
Case, Margaret  
Conroy, Janet  
Dunham, Vivian  
Flanders, John, Sr.  
Hurst, Sharleene  
Katsakiores, George  
Kruse, Fred  
Malcolm, Ken  
Nowe, Ronald  
Raynowska, Bernard  
Splaine, James  
Tufts, J. Arthur  
Yennaco, Carol

**STRAFFORD**

Chagnon, Ronald  
Hambrick, Patricia  
Knowles, William  
Merrill, Amanda  
Steadman, Frederick  
Vincent, Francis

DeChane, Marlene  
Hemon, Roland  
Loder, Suzanne  
Merritt, Deborah  
Sullivan, Henry  
Wall, Janet

Dunlap, Patricia  
Hilliard, Dana  
Lundborn, Raymond  
Snyder, Clair  
Torr, Ann  
Wasson, Richard

Grassie, Anne  
Keans, Sandra  
McCann, William, Jr.  
Spear, Barbara  
Torr, Franklin  
Wheeler, Katherine

**SULLIVAN**

Adler, Rudolf  
Flint, Gordon  
Scott, Robert

Allison, David  
Krueger, Richard  
Stettenheim, Sandy

Behrens, Thomas  
Lindblade, Eric

Cloutier, John  
Schotanus, Merle

**NAYS 66****BELKNAP**

Johnson, James

Lawton, Robert

Wendelboe, Francine

**CARROLL**

Kenney, Joseph

Lyman, L. Randy

**CHESHIRE**

Laurent, John

Manning, Joseph

Steere, Myron, III

**COOS**

Coulombe, Yvonne

**GRAFTON**

Chase, Paul, Jr.

Mirski, Paul

**HILLSBOROUGH**

Ahern, Richard  
Chabot, Robert  
Drabinowicz, A. Theresa  
Goulet, Maurice  
Jean, Loren  
Luebkert, Bernard  
Moncrief, Keith  
White, Donald

Boutin, David  
Clegg, Robert, Jr.  
Francoeur, Gary  
Hallyburton, Margaret  
Kirby, Thomas  
Marcinkowski, Michael  
Pepino, Leo

Brundige, Robert  
Daniels, Gary  
Gibson, John  
Holden, Carol  
L'Heureux, Robert  
Martin, Mary  
Riley, Frances

Burke, M. Virginia  
Desrosiers, William  
Gotham, Rita  
Holley, Sylvia  
LaRose, Richard  
McMahon, Donald  
Showerman, Peter

**MERRIMACK**

Adams, Stephen  
Whalley, Michael

Barberia, Richard  
Willis, Jack

Brown, Mary

Kennedy, Richard

**ROCKINGHAM**

Arndt, Janet  
Henderson, Warren  
Packard, Sherman  
Welch, David

Bishop, Franklin  
Katsakiores, Phyllis  
Smith, Arthur

Dodge, Robert  
Morris, Debbie  
Sytek, Donna

Goddard, Warren  
Noyes, Richard  
Sytek, John

**STRAFFORD**

Berube, Roger  
Torr, Ralph

Callaghan, Frank  
Williams, Howard

Hanlon, Mark

McKinley, Robert

**SULLIVAN**

Whipple, Allen

and the report was adopted.

Reps. Healy and Laflam wished to be recorded against the Committee report.

**HB 480-FN**, abolishing the judicial council. **INEXPEDIENT TO LEGISLATE**

Rep. Alf E. Jacobson for Judiciary and Family Law: There appears to be no real reason to abolish the Judicial Council or transfer its functions to other agencies. Vote 16-0.

Rep. Hemon spoke against.

Rep. Jacobson spoke in favor.

Rep. Bergeron requested a quorum count. The Speaker declared a quorum present.

Rep. Bergeron spoke against and yielded to questions.

Rep. Hess spoke in favor and yielded to questions.

Rep. Hemon requested a roll call; not sufficiently seconded.

On a division vote, 283 members having voted in the affirmative and 28 in the negative, the report was adopted.

Rep. Lockwood declared a conflict of interest and did not participate.

**(Speaker Burns in the Chair)****RECONSIDERATION**

Having voted with the prevailing side, Rep. Pantalakos moved that the House reconsider its action of Thursday, February 16th whereby it voted Inexpedient to Legislate, **HB 574**, requiring seatbelts on all buses transporting school children, and spoke in favor.

Rep. Mock spoke against and yielded to questions.

Reconsideration failed.

**REGULAR CALENDAR (Cont'd.)****HB 140**, relative to safe school zones. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donna P. Sytek for Corrections and Criminal Justice: This bill modifies the safe schools act passed last year by clarifying who is responsible for reporting acts of theft, destruction, and violence to the police and specifying the time frame for such report. Additionally, simple assault is included in the list of reportable offenses. The amendment includes language on mandatory expulsion to bring us into compliance with the federal Gun-Free Schools Act, and requires that parents be notified when their children are the perpetrators or victims of an act of theft, destruction or violence. Vote 16-1.

**Amendment (1299L)**

Amend the bill by replacing all after the enacting clause with the following:

1 Suspension and Expulsion of Pupils. RSA 193:13 is repealed and reenacted to read as follows:

193:13 Suspension and Expulsion of Pupils.

I. The superintendent, or a representative designated in writing, is authorized to suspend pupils from school for gross misconduct or for neglect or refusal to conform to the reasonable rules of the school, providing that where there is a suspension lasting beyond 5 school days, the parent or guardian has the right to appeal any such suspension to the local board. Any suspension to continue beyond 20 school days must be approved by the local board.

II. Any pupil may be expelled from school by the local school board for gross misconduct, or for neglect or refusal to conform to the reasonable rules of the school, or for an act of theft, destruction, or violence as defined in RSA 193-D:1, or for possession of a pellet or BB gun or rifle and the pupil shall not attend school until restored by the local board. Any expulsion shall be subject to review if requested prior to the start of each school year and further, any parent or guardian has the right to appeal any such expulsion by the local board to the state board of education.

III. Any pupil who knowingly brings or possesses a firearm as defined in section 921 of Title 18 of the US code in a safe school zone as defined in RSA 193-D:1 without written authorization from the superintendent or designee shall be expelled from school by the local school board for a period of not less than 12 months. Any expulsion shall be subject to review by the local school board if requested by a parent or guardian prior to the start of each school year, and further, any parent or guardian shall have the right to appeal any such expulsion by the local school board to the state board of education.

IV. The local school board shall adopt a policy which allows the superintendent to modify the expulsion requirements set forth in paragraphs II and III on a case by case basis.

V. Any pupil expelled by a local school board shall not be eligible to enroll in another school district in New Hampshire for the period of such expulsion. Any such expulsion shall be valid in all schools in New Hampshire.

VI. A student expelled from school in another state under the provisions of the Gun-Free Schools Act of 1994 shall not be eligible to enroll in a school district in New Hampshire for the period of such expulsion.

2 Simple Assault Added. Amend RSA 193-D:1, I (b) to read as follows:

(b)(I) Any first or second degree assault under RSA 631.

(2) *Any simple assault under RSA 631:2-a.*

3 School Employee Who "Becomes Aware of Act" Required to Report. Amend RSA 193-D:4, I to read as follows:

I.(a) Any public or private school employee [shall report] *who has witnessed or has received information from a person having first hand knowledge of* an act of theft, destruction, or violence [witnessed by such employee] in a safe school zone *shall report such act* [in writing] *immediately* to [an immediate] a supervisor. A supervisor receiving such report shall immediately forward [it] *such information* to the school principal who shall file it with the local law enforcement authority. Such report shall be made by the [employee and filed with] *principal* to the local law enforcement authority *immediately, by telephone or otherwise, and shall be followed* within 48 hours *by a report in writing.*

(b) *The provisions of subparagraph (a) shall not apply to any simple assault involving pupils in kindergarten through grade 6 if the local school board has adopted a discipline policy which carries out the intent and the spirit of this chapter.*

(c) *The provisions of subparagraph (a) shall not apply to a simple assault involving pupils in grade 7 through grade 12, unless there is bodily injury.*

4 New Paragraph; Report to Parents of Victim or Perpetrator Required. Amend RSA 193-D:4 by inserting after paragraph II the following new paragraph:

III. The principal shall report any act of theft, destruction, or violence within 48 hours to the parents of any pupil who is the victim or the perpetrator.

5 Effective Date. This act shall take effect August 15, 1995.

### AMENDED ANALYSIS

This bill provides for expulsion of a pupil for bringing or possessing a firearm, as defined under federal law, without written authorization from the superintendent. The expulsion period shall be not less than 12 months unless modified by the superintendent, and such expulsion by the local school board may be appealed to the state board of education upon request of the parent or guardian.

This bill also adds simple assault to those acts which constitute an act of theft, destruction, or violence. It also requires any school employee who "has witnessed or has received information from a person having first hand knowledge" of an act of theft, destruction, or violence to report such act to their immediate supervisor who shall forward it to the school principal. The principal shall report it to the local law enforcement authority immediately, by telephone or otherwise, followed within 48 hours by a report in writing, unless certain exceptions apply.

Rep. Donna Sytek moved Recommit to Committee and spoke in favor.

Adopted.

**HB 416**, relative to aggravated felonious sexual assault. **OUGHT TO PASS WITH AMENDMENT**

Rep. Vivian R. Clark for Corrections and Criminal Justice: As written, this bill would have allowed prosecution based upon the victim's state of mind. The committee chose instead to correct an oversight that occurred years ago when a "no-means-no" provision was inserted into the section on rape evidence but was left out of the section which defines rape. Vote 13-0.

### Amendment (1352L)

Amend RSA 632-A:2, I as inserted by section 1 of the bill by replacing it with the following:

(m) When at the time of the sexual assault, the victim indicates by speech or conduct that there is not freely given consent to performance of the sexual act.

## AMENDED ANALYSIS

This bill modifies the definition of aggravated felonious sexual assault to include circumstances when a victim indicates by speech or conduct that there is not freely given consent to performance of the sexual act.

Rep. Gorman moved Recommit to Committee and spoke in favor.

Rep. Vivian Clark spoke against and yielded to questions.

The motion failed.

Amendment adopted.

Report adopted and ordered to third reading.

**HB 231**, limiting liability of trappers for certain accidents involving domestic animals. OUGHT TO PASS WITH AMENDMENT

Rep. William P. Boucher for Wildlife and Marine Resources: The bill gives partial immunity to a legally licensed trapper that injures a domestic animal running at-large, contrary to RSA #466:31. The amendment clarifies the process. Vote 17-0.

## Amendment (1097L)

Amend RSA 210:11, V as inserted by section 1 of the bill by replacing it with the following:

V. Any person licensed to trap furbearing animals, and using legally set traps in a reasonable manner shall not be liable for an injury to a domestic animal which is running at large.

Rep. Boucher moved Recommit to Committee.

Adopted.

**HB 380**, to legalize the substitution of metric equivalents for any English system value expressed in state motor vehicle laws. OUGHT TO PASS

Rep. Stanley W. Peters for Science, Technology and Energy: This bill allows the New Hampshire Department of Transportation to meet federal highway planning deadlines. Vote 10-4.

Rep. Jeb Bradley moved Recommit to Committee.

Adopted.

**HB 271**, prohibiting video poker machines. OUGHT TO PASS WITH AMENDMENT

Rep. Stephen G. Avery for Regulated Revenues: This bill as amended provides that anyone who possesses an electronic video gambling machine shall be guilty of a misdemeanor. The amendment was provided by the Attorney General's Office to plug some loopholes in the original bill. This should take care of the law enforcement communities' problems in getting rid of illegal gambling machines. Vote 14-3.

## Amendment (1292L)

Amend the title of the bill by replacing it with the following:

## AN ACT

prohibiting electronic video gambling machines.

Amend the bill by replacing section 2 with the following:

2 Cross Reference Revision. Amend RSA 287-D:1, I to read as follows:

1. "Games of chance" means any game involving gambling as defined by RSA 647:2, [IV] II or any lottery prohibited by RSA 647:1, but shall not include any game involving the use of a slot machine or any other device in the nature of a slot machine.

Amend RSA 647:2, I(d) as inserted by section 3 of the bill by replacing it with the following:

(d) Possesses an electronic video gambling machine.

Amend RSA 647:2, II(d) as inserted by section 3 of the bill by replacing it with the following:

(d)(1) "Electronic video gambling machine" means a device, however operated, the internal mechanism or components of which set in motion or activate a person's ability to play a game of chance which may deliver or entitle the person playing or operating the device to receive cash, premiums, merchandise, tickets, or something of value, including the privilege of playing the device or points. Electronic video gambling machine shall include only those devices which are made available to play or operate upon insertion of coin, cash, tokens, or cash vouchers, or upon payment of any consideration to another.

(2) For the purpose of the definition of electronic video gambling machine only, "game of chance" means a game, contest, scheme or device in which a person stakes or risks any tan-

gible or intangible thing, and in which the outcome depends in a material degree upon an element of chance notwithstanding the fact that the skill of the contestant or participant may also be a factor.

### AMENDED ANALYSIS

This bill provides that any person who possesses an electronic video gambling machine shall be guilty of a misdemeanor. It also revises the format of an RSA section.

Rep. Avery yielded to questions.

Amendment adopted.

Report adopted and referred to Corrections and Criminal Justice.

Reps. Robert Lawton and David Lawton declared conflicts of interest and did not participate.

### SPECIAL ORDER

Rep. Trombly moved that **HB 644-FN-L**, relative to fees for issuing low digit and single letter license plates and using the funds to provide financial aid to cities and towns for transporting school children to kindergarten, be made a Special Order for Thursday, March 9, 1995 at 4:00 p.m.

Adopted.

### REGULAR CALENDAR (Cont'd.)

**HB 156-A**, relative to refinancing the cost and rehabilitation of the Cheshire Bridge. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Terence R. Pfaff for the Majority of the Committee on Public Works and Highways: The Cheshire Bridge was a private toll bridge (B & M Railroad) with a 25-cent toll price prior to the state purchase of said bridge. The current toll is 35-cents with a projection of an eight-year early retirement of the bond. The local communities clearly understood the toll would increase and stay in place until the bond was satisfied. The alternative was to wait for inclusion of the bridge in the 10-year plan. The Department of Transportation has and will continue to work with the frequent users to streamline their accounting of the toll receipts. The sponsors were given the time to gather input from the affected communities and nothing short of toll elimination was acceptable. (Please see additional information in the mailboxes that shows some of the financial impacts.) Vote 14-5.

Rep. John R. Cloutier for the Minority of the Committee on Public Works and Highways: The Minority feels it is time to abolish tolls on what remains the last toll bridge in the State of New Hampshire. Abolishing the tolls would not only help the average citizen in southwestern New Hampshire, but also spur more economic development by attracting business to expand or relocate to the area. More economic development would result in more property tax revenue for communities like Charlestown, as well as more business tax revenue for the state.

Majority report adopted.

### SPECIAL ORDERS

Reps. Ann Torr and Trombly moved that the remainder of the bills on the day's Calendar (HBs 551, 515, 164, 303, 269, 237, 219 and 307) be made Special Orders for Thursday, March 9, 1995.

Adopted.

### RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 9, 1995 at 10:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 215**, relative to fees charged by mortgage lenders and brokers, requirements for disclosures by mortgage lenders, and an exemption from first mortgage lender licensing requirements.

**HB 430**, relative to branch banking and bank holding company affiliates.



**HB 433**, relative to second mortgage loan licensees and repealing an exemption for insurance companies from the laws regulating small lenders.

**HB 313-FN**, relative to a defendant's repayment of counsel expenses that have been paid by the state.

**HB 316-FN**, relative to probation and parole officers.

**HB 376**, making it illegal to knowingly control any premises or propelled vehicle where persons under the age of 21 consume alcohol.

**HB 498-FN**, relative to administrative review of suspended or revoked motor vehicle licenses.

**HB 532-FN**, requiring co-payments from inmates of state correctional facilities for inmate initiated medical care and mental health services and repayment for costs of property damage, escape and riots.

**HB 312-FN-A-L**, eliminating the advisory council on literacy and dropout prevention and establishing a committee to study literacy issues, and funding state literacy programs.

**HB 149-FN**, regulating fertilizer and agricultural liming materials.

**HB 241**, making technical changes in the business taxes.

**HB 509-FN**, relative to payment dates under the interest and dividends tax.

**HB 563-FN**, relative to the repair and maintenance of the road from New Hampshire route 10 to the Connecticut River in Bedell Bridge state park and relative to the construction of a boat launch at the park.

**HB 639-FN**, reclassifying portions of certain roads in the towns of Sugar Hill and Albany.

**HB 453**, relative to administration of medications by residential care facility and supported residential care facility staff members.

**HB 389**, defining compensation for the purposes of determining immunity from liability for directors and officers of nonprofit organizations.

**HB 527-FN**, relative to changes in the unemployment compensation law.

**HB 609-FN**, relative to testing for bloodborne diseases under workers' compensation.

**HB 429**, relative to the election of the members of the board of cemetery trustees, and relative to the powers and duties of cemetery trustees.

**HB 437**, relative to competitive bidding in Rockingham county.

**HB 646-L**, relative to the use of county real property.

**HB 51-FN**, naming a certain segment of New Hampshire route 101 the Jay McDuffee Highway.

**HB 424**, relative to the naming of real estate acquired by the state and relative to the naming of Northwood Meadows State Park.

**HB 529-FN-L**, transferring certain property from the state to the town of Hampton Falls, New Hampshire.

**HB 616**, relative to scenic byways.

**HB 443-FN**, making technical changes in liquor laws.

**HB 342**, relative to the use of moorings and clarifying related definitions.

**HB 192**, changing the reporting dates for certification of assessments against public utilities by the public utilities commission.

**HB 344**, relative to the New Hampshire automated information system board.

**HB 143**, relative to transporting loads on highways.

**HB 107**, expanding the authority of the executive director of fish and game to adopt rules relative to marine species.

**HB 518-FN**, relative to increasing the value of abandoned property subject to reporting, changing the time period after which property is assumed to be abandoned, and changing the advertising and notice requirement for abandoned property.

**HB 117-FN**, changing the name of the department of agriculture to the department of agriculture, markets, and food; clarifying the mission of the department and the responsibilities of the commissioner; and revising the composition and responsibilities of the agricultural advisory board.

**HB 351**, establishing an environmental research advisory committee.

**HB 427-FN**, increasing bail commissioners' fees and relative to educational requirements for bail commissioners.

**HB 416**, relative to aggravated felonious sexual assault.

## UNANIMOUS CONSENT

Reps. Lundborn and Drabinowicz addressed the House.

## AMENDMENTS TO ETHICS GUIDELINES

Add to section IV(6):

(g) Acceptance of reimbursement or underwriting of actual expenses for registration, travel, lodging, and subsistence directly related to attendance at a bona fide informational or educational conference, seminar, or meeting, so long as disclosure of any such reimbursement or underwriting, including the identity of the primary sponsor or sponsors and including financial contributors, is made within fifteen (15) calendar days of the legislator's return from such conference (if expenses are underwritten) or, within fifteen (15) calendar days of reimbursement. This disclosure shall be filed in the Office of the Secretary of State and shall be in the form prescribed in RSA Chapter 15-B.

### V. Conflict of Interest Procedure.

1) When a legislator becomes aware that a conflict of interest exists or may exist, the legislator shall proceed in accordance with either paragraph a or b:

a) Declare that [a conflict of interest exists and state that] the legislator will not participate in any official activity associated with the issue [as long as the conflict exists].

b) Declare that [a conflict of interest exists or may exist and that] the legislator intends to participate in the official activity and will provide a description of the conflict of interest including:

(no change in remainder of section)

Filing Procedure for [Conflict of Interest] Declaration of Intent.

Replace "conflict of interest" with "declaration of intent" throughout procedure.

New Hampshire General Court [Conflict of Interest Statement] Declaration of Intent.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 5:40 p.m.

## RECESS

(Rep. Lockwood in the Chair)

## RESOLUTION

Its introduction having been approved by the Rules Committee:

Rep. Gage offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Resolution numbered 14, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

## INTRODUCTION OF HR

### First, second reading and referral

**HR 14**, requesting an opinion of the justices concerning the constitutionality of HB 586-FN. (Lockwood, Merr 9; Hess, Merr 11; Mittleman, Hills 37; Wall, Straf 9: Judiciary and Family Law)

## ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 106.

Rep. Pfaff, Sen. Currier for the Committee

Rep. Cole moved that the House adjourn.

Adopted.

# HOUSE JOURNAL No. 10

Thursday, March 9, 1995

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

We pray, O God, that You will grant us the wisdom we need for this day's work. When we become weary, grant us Your strength. When we become discouraged, help us to remember the high calling to which You have called us. When we grow complacent, disturb us with Your energy. In all that we do and say, make us instruments of Your will and ambassadors of Your compassion. Amen.

Rep. Krueger led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Nehring, Peyron, Delano, Moncrief, Pantelakos, Julie Brown, Lundborn, Dube, Coughlin, Hawkins and Dowling, the day, illness.

Reps. Felch, William McCarthy, Allison, Gorman, St. Hilaire, MacKay, Katherine Pratt and Mark Holt, the day, important business.

Reps. Charles Cote, Crossman and Richardson, the day, illness in the family.

## INTRODUCTION OF GUESTS

Kathleen Cooper, mother of Rep. Cooper.

The House of Representatives offered the following:

### HOUSE RESOLUTION NO. 13

honoring former State Representative Dennis J. Kilbride of Berlin

WHEREAS, for the three bienniums between 1987 and 1992, Dennis J. Kilbride did serve devotedly in the New Hampshire House of Representatives, and did serve also as Coos County Democratic Chairman, and

WHEREAS, for his three consecutive terms, Dennis J. Kilbride was a dedicated and astute member of the Standing Committee on Public Works, and

WHEREAS, Dennis J. Kilbride was a lifelong resident of Berlin, New Hampshire, and in 1939 did graduate from Berlin High School, and then went on to serve the residents of Berlin as Acting Mayor, and

WHEREAS, Dennis J. Kilbride was a decorated US Army veteran of World War II, who did receive the Purple Heart and Silver Star, and

WHEREAS, Dennis J. Kilbride was an honorable member of the Veterans of Foreign Wars White Mountain Post 2520, and the American Legion Ryan-Scammon Post 95, and the Mount Washington Chapter of Disabled American Veterans and the Fraternal Order of Eagles, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Dennis J. Kilbride be lauded for his legislative service and his service to his country, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to his family in tandem with this body's expressions of deep sorrow and sympathy.

Adopted by a rising vote of silent prayer.

## VACATE

Reps. Flanagan and Holden moved to vacate the reference to the Committee on Constitutional and Statutory Revision of CACR 9, returning annual legislative sessions to biennial legislative sessions.

Adopted.

(Clerk's Note: Because the subject matter of CACR 9 was Indefinitely Postponed on March 2 when the House acted on CACR 2, the Speaker did not refer this bill to a committee and directed the Clerk to return the bill to the Senate.)

## SENATE MESSAGE CONCURRENCE

**HB 110**, relative to child restraints on motorcycles.

**HB 150-FN**, allowing certain persons to register and inspect their vehicles prior to the anniversary date.

**HB 200-L**, relative to the application and eligibility for bridge aid.

## COMMITTEE ASSIGNMENTS

Rep. Teschner on Constitutional and Statutory Revision.

Rep. Hanlon off Constitutional and Statutory Revision; on Legislative Administration.

## SUSPENSION OF RULES

Reps. Ann Torr and Buckley moved that the Rules be so far suspended as to permit referral of bills to a second committee beyond the deadline .

Adopted by the necessary two-thirds.

## SPECIAL ORDERS

**HB 551-FN-L**, relative to the denial or revocation of drivers', occupational, and sporting licenses for nonpayment of child support. **OUGHT TO PASS**

Reps. David T. Mittelman and Julie M. Brown for Judiciary and Family Law: This bill is an effective weapon against parents who are delinquent in their child-support payments. The committee feels that if you are not responsible enough to support your children, you should not benefit from licenses issued by the state. Not only does this bill make good policy sense, but good fiscal sense as well. It will increase state funds by more than \$1 million annually through the recovery of previously paid AFDC payments. Indeed, by forcing delinquent parents to properly set their priorities, this bill benefits all the people of this state, adults as well as children. Vote 11-2.

Rep. Luebker spoke against.

Rep. Mittleman spoke in favor.

Adopted and referred to Finance.

**HB 515-FN**, authorizing the liquor commission to determine the location of agency stores, repealing the liquor and wine import warehouse license, and prohibiting liquor/wine/beverage warehouse licensees from holding other licenses under title XIII. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen G. Avery for Regulated Revenues: This bill requested by the liquor commission repeals the liquor and wine import warehouse license. This bill also prohibits liquor/wine/beverage warehouse licensees from holding other licenses under title XIII. The bill also authorizes the liquor commission to determine the location of seasonal agency stores. Vote 13-5.

## Amendment (1391L)

Amend the bill by replacing section 4 with the following:

4 Determination of Locations for Agency Stores. Amend RSA 177:14, II to read as follows:

II. The commission shall determine the appropriate locations for the stores *upon application* and the appropriate 6 consecutive months based on the seasonal tourist population and the sales volume at existing state and agency liquor stores in the same areas.

Amend the bill by replacing section 7 with the following:

7 Existing Liquor and Wine Import Warehouse Licenses Still Effective.

I. Any person, who on the effective date of this act, possesses a liquor and wine import warehouse license issued under the provisions of RSA 178:5 as it existed prior to repeal by this act, provided there is no change in the type of vendor license held and the gross sales of liquor and/or table wine, as applicable, do not exceed 2-1/2 percent of the commission's gross sales annually, may continue to possess, operate under, and renew such license for as long as all the requirements of RSA 175:1, XLIII; RSA 176:11, II; former RSA 178:5 as it existed prior to July 1, 1995; RSA 178:24 and the administrative rules of the commission pertaining to such license are met as they existed prior to the repeal of RSA 178:5.

II. Notwithstanding the provisions of paragraph I, a liquor and wine import warehouse may submit a justified plea to the commission to increase the 2 1/2 percent cap by no more than 1/2 of one percent per year. The commission may, after review of the petition, approve an increase of no more than 1/2 of one percent of the commission's annual gross sales.

Adopted.

Report adopted and ordered to third reading.

**HB 164-FN**, exempting certain vehicles from the emissions inspection and maintenance program. **INEXPEDIENT TO LEGISLATE**

Reps. Jeb Bradley and Bernard Lamach for Science, Technology and Energy: After extensive discussion, it was resolved to include the basic elements of this bill into other pending bills (i.e. HB 607) in the committee. The committee looks forward to making changes to the existing automobile inspection and maintenance statutes that will allow greater flexibility and greater public acceptance of the federal mandate. Vote 13-0.

Adopted.

**HB 303-FN-L**, excluding Merrimack county from motor vehicle emissions testing. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb Bradley for Science, Technology and Energy: The U S Environmental Protection Agency has recently announced it will allow flexibility with regard to automobile emissions inspections. Governor Merrill has recently requested the E P A to redesignate New Hampshire as attaining federal air quality standards. In light of these developments, the committee recommends passage of this amendment which would require the Departments of Safety, Environmental Services, Resources and Economic Development, Transportation and the Attorney General's Office to write a report that includes recommendations for maintaining or dropping Merrimack County from the test program. That report will be due December 1, 1995. The amendment also precludes any testing in Merrimack County prior to April 1, 1996. Vote 14-1.

#### **Amendment (1227L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to the motor vehicle emissions inspection and  
maintenance program in Merrimack County.

Amend the bill by replacing all after the enacting clause with the following:

1 Motor Vehicle Emissions Inspection and Maintenance Program Study; Report.

I. The department of safety, in cooperation with the department of environmental services, the department of transportation, the department of resources and economic development and the department of justice, shall prepare a motor vehicle emissions inspection and maintenance program report which shall include, but shall not be limited to, the following issues:

- (a) Federal changes in the Clean Air Act regarding inspections and maintenance.
- (b) Changes to relevant EPA rules regarding inspections and maintenance.
- (c) Conformity requirements for transportation planning in New Hampshire.
- (d) The need for emissions reduction credits in New Hampshire and their availability.
- (e) Attainment demonstration for New Hampshire.
- (f) Attainment demonstration for Merrimack county.
- (g) Maintenance plan for Merrimack county.
- (h) Results of ozone monitoring in 1995.
- (i) Attaining health-based air quality standards in the Clean Air Act.
- (j) Results of urban airshed modeling.
- (k) Recommendations for maintaining or dropping Merrimack county from the motor vehicle emissions testing program.

II. The department of safety shall submit the report, including any recommendations for legislation, to the speaker of the house, senate president, chairperson of the house science, technology and energy committee, the chairperson of the senate environment committee, the chairperson of the inspection and maintenance advisory committee, and the chairperson of the Merrimack county delegation on or before November 15, 1995.

III. When the initial report has been drafted the department of safety shall consult with representatives of environmental, business, automotive repair, automotive testing, health, and consumer interests before submitting the final report as provided for in paragraph II.

2 Merrimack County; Emissions Inspection Station Contracts. The department of safety shall not contract with a private entity or entities or otherwise arrange for the design, construction, equipment, establishment, maintenance or operation of a centralized emissions inspection station in Merrimack county before April 1, 1996.

3 Merrimack County; Emissions Inspection and Maintenance Program Implementation Postponed. RSA 268 shall not be implemented in Merrimack county before April 1, 1996.

4 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill requires the department of safety, in cooperation with the department of environmental services, the department of transportation, the department of resources and economic development and the department of justice, to prepare a motor vehicle emissions inspection and maintenance report.

The bill prohibits the department of safety from contracting for centralized emissions inspection stations in Merrimack county before April 1, 1996.

This bill also prohibits the implementation of the motor vehicle emissions inspection and maintenance program in Merrimack county before April 1, 1996.

Adopted.

Report adopted and ordered to third reading.

**HB 269**, relative to the taking of fish and game on posted property. RE-REFER TO COMMITTEE

Rep. William P. Boucher for Wildlife and Marine Resources: The intent of the sponsor is to allow the land owner the right to permit hunters to take game, birds and animals when the land is legally posted according to RSA 635:4. The amendment would further provide for permission of the land owner to take fish and game when the owner authorizes such taking. However, what gets in the way is the landowner's right to charge a fee and how to implement it. Now comes the New Hampshire Fish and Game with regulations and enforcement problems. Also, what effect, if any, does current use have on the entire process. For these reasons, the subcommittee would like to further study the problems that have been brought to our attention. Vote 17-0.

Adopted.

**HB 237**, deleting the requirement that habitual offenders be incarcerated and allowing incarceration at the discretion of the court. OUGHT TO PASS WITH AMENDMENT

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: Contrary to the intent of the original bill, the committee voted to retain the current mandatory sentence for driving after being declared a habitual offender. We are using the bill as a vehicle to clarify the present "life or limb" exception to the mandatory sentence by adding the phrase "for just cause shown". Vote 13-0.

### Amendment (1474L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to sentencing for habitual offenders.

Amend the bill by replacing all after the enacting clause with the following:

1 Habitual Offender; Sentencing Suspension. Amend RSA 262:23, I to read as follows:

I. It shall be unlawful for any person to drive any motor vehicle on the ways of this state while an order of the director or the court prohibiting such driving remains in effect. If any person found to be an habitual offender under the provisions of this chapter is convicted of driving a motor vehicle on the ways of this state while an order of the director or the court prohibiting such operation is in effect, [he] *such person* shall be sentenced, notwithstanding the provisions of RSA title LXII, to imprisonment for not less than one year nor more than 5 years. No portion of the minimum mandatory sentence shall be suspended, and no case brought to enforce this chapter shall be continued for sentencing; provided, however, that any sentence or part thereof imposed pursuant to this section may be suspended in cases in which the driving of a motor vehicle was necessitated by situations of apparent [extreme] emergency which required such operation to save life or limb *or for just cause*. Any sentence of one year or less imposed pursuant to this paragraph shall be served in a county correctional facility. Any sentence of more than one year imposed pursuant to this paragraph shall be served in the state prison.

2 Effective Date. This act shall take effect July 1, 1995.

## AMENDED ANALYSIS

This bill permits the suspension of a habitual offender's sentence so as to permit such offender to drive a motor vehicle in certain emergencies or for just cause.

Adopted.

Report adopted and ordered to third reading.

**HB 219**, authorizing professional engineers to prepare mortgage loan inspection reports.  
**OUGHT TO PASS WITH AMENDMENT**

Rep. John J. Sytek for Executive Departments and Administration: In the beginning: Mortgage loan inspection reports are documents prepared for and at the request of title insurance companies — the ultimate guarantors of clear title to a property. These reports include a drawing that shows how the house is located on the property so that the title insurance company can be assured that setbacks, as required by local zoning ordinances, have been met. Typically, a title insurance company develops a long-standing working relationship with someone whose competence and judgment it has reason to trust. This is basically a private transaction between two knowledgeable parties. Since it involves the company that stands behind the title and someone it chooses, that company will do its utmost to be sure such reports are completely done, regardless of the operation of state law. This practice has gone on for at least 10 years with no reported problems. Recently: the Board of Licensure for Land Surveyors noticed this practice — a practice which was not always done by a surveyor. The Board considered that the preparing of such drawings was, in fact, surveying, and, therefore, could be done only by a licensed land surveyor. The board pursued an administrative rule to that effect, thereby shutting out everyone who had been preparing these reports except for, of course, surveyors. Our committee found that because this practice did not involve the establishment of property boundaries, had a long untroubled history and was a private transaction, it was reasonable to exclude this practice from those defined to be land surveying. In this way, the amended bill permits the previous practice to continue. The committee also addressed the legitimate concerns of the surveyors that the homeowner (or others) may later interpret the drawing as a survey. For that reason, the bill requires that any such drawing must prominently state that it is not a survey and must not bear any professional stamp. Vote 16-1.

## Amendment (1141L)

Amend the title of the bill by replacing it with the following:

## AN ACT

exempting the preparation of mortgage plot plans and mortgage inspection reports  
 from application of the chapter regulating engineers, architects,  
 land surveyors, foresters, and natural scientists.

Amend the bill by deleting sections 4 and 11 and renumbering the original sections 5-10 and 12-44 to read as 4-42, respectively.

Amend the bill by inserting after section 28 the following and renumbering sections 29-42 to read as 30-43, respectively:

29 New Paragraph; Preparation of Mortgage Plot Plans and Mortgage Inspection Reports Exempt from Application of Chapter. Amend RSA 310-A:74 by inserting after paragraph IV the following new paragraph:

V. Preparation of mortgage plot plans and mortgage inspection reports, provided that:

(a) Any drawings prepared in connection with such plans or reports shall include the conspicuously-placed legend in 24 point or larger type: "This drawing is not a survey/For mortgage purposes only," or language which is substantially the same.

(b) Any such drawing shall not bear any professional seal.

## AMENDED ANALYSIS

Section 29 of this bill exempts the preparation of mortgage plot plans and mortgage inspection reports from application of the chapter regulating engineers, land surveyors, foresters, and natural scientists.

The remainder of this bill amends certain RSA provisions making them gender neutral and consistent with other sections amended by the bill in accordance with RSA 17-A:6 relative to gender neutral drafting.

Adopted.

Report adopted and ordered to third reading.

**HB 307**, establishing a study committee to consider a constitutional amendment allowing the adoption of a yield tax on sand, gravel, and similar materials. **OUGHT TO PASS WITH AMENDMENT**

Rep. Neal M. Kurk for Finance: The problem of gravel taxation is a vexatious one which this study committee will address. The amendment suspends for a year a section of the law dealing with gravel taxation in order to facilitate the study committee's efforts. Vote 24-0.

#### **Amendment (1356L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

establishing a study committee to consider a constitutional amendment allowing the adoption of a yield tax on sand, gravel, and similar materials; and  
suspending a provision on taxation of sand, gravel  
and similar substances for fiscal year 1996.

Amend the bill by replacing all after section 2 with the following:

3 Suspension of Law. RSA 72:13, relative to taxation of mines, sand, gravel, loam, or other similar substances, is suspended until July 1, 1996.

4 Effective Date.

I. Section 3 of this act shall take effect July 1, 1995.

II. The remainder of this act shall take effect upon its passage.

#### **AMENDED ANALYSIS**

This bill establishes a study committee to consider proposing a constitutional amendment to allow the adoption of a yield tax on sand, gravel, and similar materials excavated in New Hampshire.

The bill also suspends a provision on local taxation of sand, gravel and similar materials during fiscal year 1996.

Rep. Kurk yielded to questions.

Adopted.

Report adopted and ordered to third reading.

Rep. Ann Torr declared a conflict of interest and did not participate.

#### **SUSPENSION OF RULES**

Reps. Ann Torr and Buckley moved that the Rules be so far suspended as to permit consideration at the present time, without the required printing, of **HB 656**, permitting unpaid leaves of absence for judges.

Adopted by the necessary two-thirds.

**HB 656**, permitting unpaid leaves of absence for judges. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nick Hart for Judiciary and Family Law: The Judiciary committee felt a very limited bill pertaining to only one justice was appropriate at this time. This bill gives the Supreme Court the authority to grant one justice an unpaid leave of absence. This is a session law and will sunset 30 days after passage. Vote 16-1.

#### **Amendment (1694L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

permitting an unpaid leave of absence for one superior court justice.

Amend the bill by replacing all after the enacting clause with the following:

1 Unpaid Leave of Absence for One Superior Court Justice.

I. The supreme court may grant one superior court justice an unpaid leave of absence from the bench for a period not to exceed one year, upon written request of such justice and for good cause. In making a determination on granting the leave, the court shall evaluate the workload of



the court and of the justice making the request. The salary, benefits and accrual of retirement time or creditable service of the justice granted a leave under this section shall be suspended for the time period of the leave. The justice granted a leave under this section shall not be permitted to purchase as creditable service retirement time lost during the time period of the leave.

II. Nothing in this section shall be construed to grant the judicial branch the authority to request additional staff or new justices to fill the vacant position during the leave of absence.

2 Repeal. Section 1 of this act, relative to an unpaid leave of absence for one superior court justice, is repealed.

### 3 Effective Date.

I. Section 1 of this act shall take effect upon its passage.

II. Section 2 of this act shall take effect 30 days after the effective date of section 1 of this act.

## AMENDED ANALYSIS

This bill allows the supreme court to grant an unpaid leave of absence to one superior court justice.

Adopted.

Report adopted and ordered to third reading.

## SUSPENSION OF RULES

Reps. Ann Torr and Buckley moved that the Rules be so for suspended as to permit third reading and final passage at the present time of **HB 656**, permitting unpaid leaves of absence for judges.

Adopted by the necessary two-thirds.

### Third reading and final passage

**HB 656**, permitting an unpaid leave of absence for one superior court justice.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 514**, relative to hearing aid dealers and increasing the fees for persons seeking certification as hearing aid dealers, was removed at the request of Rep. Goulet.

**HB 488-FN**, relative to certification of and fees for wetland scientists and changing the title of "natural scientists" to "soil scientists", was removed at the request of Rep. Dickinson.

**HR 11**, urging Congress to pass a Constitutional amendment authorizing school prayer, was removed at the request of Rep. Pepino.

Consent Calendar adopted.

**HB 361**, relative to the board of manufactured housing. **OUGHT TO PASS WITH AMENDMENT**

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: Because of the difficulties caused by the lack of appointments to the Manufactured Housing Tenants Grievance Board, the sponsor of the bill has agreed to an amendment to see if the situation can be corrected. Vote 16-0.

### Amendment (1552L)

Amend the bill by replacing all after the enacting clause with the following:

1 Appointments to the Board of Manufactured Housing. If the governor does not appoint members to the board of manufactured housing in accordance with the time frame specified in 1994, 368:3, the board shall meet to make such appointments not sooner than 30 days nor more than 45 days after the effective date of this act.

2 Vacancies on the Board. Amend RSA 205-A:25, IV to read as follows:

IV. If there is a vacancy on the board, the provisions of RSA 21:33-a and 21:34 shall apply to the public members, as well as to the members appointed pursuant to subparagraphs I(b) through (f). *If the governor does not appoint members to vacancies on the board in accor-*

*dance with this paragraph, the board shall meet to make such appointments not sooner than 30 days nor more than 45 days after the vacancy has occurred or after notice that a vacancy will occur.*

3 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill authorizes the board of manufactured housing to make certain appointments to the board if such appointments have not yet been made or if vacancies occur.

**HB 388**, rescinding the administrative rule which requires a licensee to disclose a material defect to a prospective buyer, and repealing a provision which requires disclosure by a seller to a buyer of real estate. RE-REFER TO COMMITTEE

Rep. Richard H. Krueger for Commerce, Small Business, Consumer Affairs and Economic Development: The issues contained in this bill require additional study and work. Vote 14-1.

**HB 392**, requiring a financial institution to allow an applicant for a mortgage loan to select an appraisal firm from a list of firms supplied by the institution. RE-REFER TO COMMITTEE

Rep. Keith R. Herman for Commerce, Small Business, Consumer Affairs and Economic Development: The committee is very concerned about consumer protection on this issue. The committee would like to work further with the banking department and the ED&A study committee to reach a compromise which will benefit both the borrower and lender. Vote 16-3.

**HB 412**, relative to licensing standards for sales finance companies and retail sellers. OUGHT TO PASS

Rep. John B. Hunt for Commerce, Small Business, Consumer Affairs and Economic Development: By request of the banking department, this model legislation will establish licensing standards for sales finance companies and retail sellers. Vote 17-0.

**HB 432**, relative to retail sellers of motor vehicles and sales finance companies which execute retail installment contracts for purchases of motor vehicles and relative to certain fees. OUGHT TO PASS WITH AMENDMENT

Rep. John B. Hunt for Commerce, Small Business, Consumer Affairs and Economic Development: This bill updates the laws related to sales finance companies and their retail sellers to include current practices. The amendment removes some advertising regulations that would affect national ads seen in New Hampshire. Vote 16-2.

### Amendment (1525L)

Amend RSA 361-A:6-a as inserted by section 5 of this bill by replacing it with the following: 361-A:6-a Examinations.

I. The bank commissioner may examine the business affairs of any sales finance company licensee or any other person, whether licensed or not, as the commissioner deems necessary to determine compliance with this chapter and the rules adopted pursuant to it. In determining compliance, the banking department may examine the books, accounts, records, files, and other documents, whether electronically stored or otherwise, and any other matters of any sales finance company licensee or person. The banking department shall have the power to subpoena witnesses and administer oaths in any adjudicative proceeding, and to compel, by subpoena duces tecum, the production of all books, records, files, whether electronically stored or otherwise, and other documents and materials relevant to its investigation.

II. The affairs and records of every sales finance company licensee or person shall be subject at any time to periodic, special, regular, or other examination by the banking department with or without notice to the licensee.

III. Any agent of the banking department may make a thorough examination into the business affairs of any sales finance company licensee or person and shall report any violations of law, rule, or standard business practice to the banking department.

IV. The expense of such examination shall be chargeable to and paid by the sales finance company licensee or person. The procedure for such payment shall be the same as for payments by other licensees of the department for cost of examinations.

Amend RSA 361-A:10-a as inserted by section 8 of the bill by replacing it with the following:

**361-A:10-a Advertising.**

I. No sales finance company shall advertise, print, display, publish, distribute, or broadcast or permit to be advertised, printed, displayed, published, distributed, or broadcast in any manner whatsoever any statement or representation with regard to the rates, terms, or conditions for the lending of money under the provisions of this chapter which is false, misleading, or deceptive. Any reference to the amount of a loan shall refer to the original principal amount. Any statement so made of the amount of an installment, or the rate or amount of interest charges required for any loan, shall comply with the provisions of the federal Consumer Credit Protection Act, as amended (15 U.S.C. 1601 et seq.).

II. Advertising files shall be subject to review by the banking department during the course of any examination or investigation undertaken in accordance with this chapter.

**HB 171, relative to possession of scanners when committing a crime. OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew Christie, Jr. for Corrections and Criminal Justice: The use of radio devices by the criminal element has grown in recent years and is a definite problem for law enforcement. This legislation seeks to relieve that situation, not by creating a new crime but by adding the ability for the court to extend the sentence for the covered crime to not more than one year nor less than 90 days when a radio device was used in the commission of the crime. Vote 14-0.

**Amendment (1521L)**

Amend the title of the bill by replacing it with the following:

**AN ACT**

relative to an extended term of imprisonment for possession of  
a radio device while committing certain crimes.

Amend the bill by replacing all after the enacting clause with the following:

1 Possession of a Radio Device; Extended Term of Imprisonment. Amend RSA 651:6, I(j) to read as follows:

(j) He has committed a crime listed in RSA 193-D:1 in a safe school zone under RSA 193-D[.]; *or*

*(k) He possesses a radio device with the intent to use that device in the commission of robbery, burglary, theft, gambling, or a violation of any provision of RSA 318-B. In this section, the term "radio device" means any device capable of receiving a wireless voice transmission on any frequency allocated for law enforcement use, or any device capable of transmitting and receiving a wireless voice transmission.*

2 Possession of a Radio Device; Extended Term of Imprisonment. Amend RSA 651:6, II(e) to read as follows:

(e) A class A felony under RSA 632-A:2, XI and a subsequent separate offense under RSA 632-A:2, XI, a minimum to be fixed by the court of not less than 15 years and a maximum of life imprisonment without parole[.]; *or*

*(f) Any of the crimes listed under RSA 651:6, I(k), a minimum to be fixed by the court of not less than 90 days and a maximum of not more than one year.*

3 Effective Date. This act shall take effect January 1, 1996.

**AMENDED ANALYSIS**

This bill authorizes the court to sentence a person convicted of certain crimes and in possession of a radio device while committing such crimes to an extended term of imprisonment.

**HB 448**, prohibiting the use or ingestion of alcohol by persons under the age of 21 years. **REFER TO COMMITTEE**

Rep. Richard E. Dolan for Corrections and Criminal Justice: This bill prohibits the ingestion of alcohol by persons under 21-years of age in an effort to give police additional tools to enforce the laws against underage drinking. Because of questions raised about jurisdiction for voluntary acts (drinking) followed by involuntary acts (digesting) the committee would like time to research language used by other states. Vote 13-0.

**HB 578-FN**, requiring juvenile case and court records to be unsealed in certain cases. **INEXPEDIENT TO LEGISLATE**

Rep. Andrew Christie, Jr. for Corrections and Criminal Justice: The issues regarding confidentiality of juvenile records will be addressed as part of HB 52, the Governor's juvenile justice bill. Vote 13-0.

**HB 175-FN**, limiting apportionment for capital and operating expenses to average daily membership, equalized valuation, or a combination of the 2, unless determined otherwise by majority vote. RE-REFER TO COMMITTEE

Rep. Susan B. Durham for Education: This bill highlighted problems with the statutes authorizing co-ops and the committee would like to take some time to study those statutes. Vote 17-0.

**HB 299-FN-L**, requiring that SAU budgets be approved by vote at school district meetings. RE-REFER TO COMMITTEE

Rep. O. Allan Thulander for Education: The committee felt that the complexities of the interactions between the districts within each school administrative unit, as well as the concerns of the voters, are of such magnitude that additional study is required. Vote 17-0.

**HB 550-FN-A-L**, designating certain taxes and revenue to fund public kindergarten and making an appropriation therefor, and repealing certain tax credits and a tax carry forward credit. RE-REFER TO COMMITTEE

Rep. Robert E. McKinley for Education: The committee feels this approach to kindergarten should be re-referred to permit further study of this approach and to consider pending the disposition of the Governor's program. Vote 15-1.

**HB 288**, eliminating the requirement that solid waste management districts prepare solid waste management plans. RE-REFER TO COMMITTEE

Rep. Rebecca E. Lee for Environment and Agriculture: It was unanimously agreed by the committee and the sponsor to hold this bill until the re-codification of RSA 149-M is completed. Vote 17-0.

**HB 355-L**, relative to solid waste districts. RE-REFER TO COMMITTEE

Rep. Rebecca E. Lee for Environment and Agriculture: It was unanimously agreed by the committee and the sponsor to hold this bill until the re-codification of RSA 149-M is completed. Vote 18-0.

**HB 492-FN-L**, relative to credit in the New Hampshire retirement system for out-of-state service. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: To change the period in which a person may buy out of state service to five years is not in the best interest of the retirement system. To expand the time to five years will reduce the time the funds can be earning interest and the system is based on contributions plus earned interest. The 18-month time period has worked well and should not be changed. Vote 11-0.

**HB 561-FN**, repealing the workers' compensation commission. OUGHT TO PASS

Rep. Myron S. Steere, III for Executive Departments and Administration: The bill clarifies the existing statutes and repeals the Workers' Compensation Commission for state employees which is no longer needed. This is because all of its functions are now being performed by a purchased managed-care program for workers' compensation benefits and services. Vote 11-0.

**HB 591-FN**, relative to forming a joint committee on boards and commissions orientation. RE-REFER TO COMMITTEE

Rep. Sandy B. Stettenheim for Executive Departments and Administration: The concept in this bill, orientation for new members of state boards and commissions, has strong merit. The committee would like more time to clarify and define the process for its implementation. The sponsor supports the report of re-refer. Vote 11-0.

**HB 600-FN**, relative to unclassified employees. INEXPEDIENT TO LEGISLATE

Rep. Howard E. Williams for Executive Departments and Administration: By requiring the promotion of an unclassified employee to start at the lowest pay level of the next highest grade, in many cases, would have reduced the employee's pay. The committee did not believe this was the intended outcome. The exclusion for the Governor and Council is unnecessary because pay ranges for their appointed unclassified positions are presently in the RSA's. Vote 11-0.

**HB 624-FN-A-L**, relative to a local land use board training program and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. John J. Sytek for Executive Departments and Administration: Very often, members of local land use boards are public spirited but inexperienced citizen volunteers. Traditionally, after they were elected or appointed, they would be seated and be expected to participate without any training. Educated board members are ever more necessary for fair and knowledgeable results and the preventing of needless litigation. This bill, amended to reduce its appropriation, takes a formal step by establishing a pilot program administered by the office of state planning. The training format intended at this stage is a video library to provide an education for newly appointed members who choose to avail themselves of this resource. Vote 9-2.

#### **Amendment (1425L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

establishing a 2-year pilot program for local land use board training and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

#### **1 Pilot Program for Training Members of Local Land Use Boards.**

I. There is established a 2-year pilot program which shall provide educational training for the members of local land use boards. This training shall provide an adequate knowledge and skill to support logical and rational decision making by local land use board members and to make such board members knowledgeable in the basics of land use planning in New Hampshire. The office of state planning shall develop the pilot program in coordination with the department of resources and economic development, regional planning commissions, the cooperative extension service, the New Hampshire Municipal Association, and various environmental organizations.

II. The program shall begin on July 1, 1995, and end on June 30, 1997. The office of state planning shall administer the pilot program established under this section. The educational training in the pilot program shall be in addition to any technical assistance and information and training which the office of state planning currently provides under the provisions of RSA 4-C:8 and RSA 673:3-a.

III. The office of state planning shall develop a New Hampshire land use training video library as a training format for the pilot program.

IV. Participation in the pilot program shall be voluntary for local land use board members.

2 Appropriation. The sum of \$10,000 for the biennium ending June 30, 1997, is hereby appropriated to the office of state planning for the purposes of section 1 of this act. This sum shall be in addition to any other funds appropriated to the office of state planning. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1995.

#### **AMENDED ANALYSIS**

This bill authorizes the office of state planning to design a 2-year pilot program which shall provide education and training for the members of local land use boards. The training is furnished by the office of state planning through the use of a video library. The training is designed to make board members knowledgeable in the basics of land use planning in New Hampshire.

The bill also appropriates \$10,000 for the biennium ending June 30, 1997 to the office of state planning for the purpose of implementing the program.

Referred to Finance.

**HB 230**, relative to the physical therapy practice act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard G. Warner for Health, Human Services and Elderly Affairs: This bill, as amended, repeals and re-enacts the physical therapy practice act, revising definitions, examination requirements and exceptions, licensure requirements and renewal dates, and provisions relative to authorized and prohibited practices for physical therapists I and II and assistants. Vote 16-0.

**Amendment (1518L)**

Amend the introductory paragraph of RSA 328-A:1, VI as inserted by section 1 of the bill by replacing it with the following:

VI. "Physical therapy" or "physiotherapy" means the assessment, evaluation, and treatment or prevention of physical disability, movement dysfunction and pain resulting from injury, disease, disability, or other health related conditions. Physical therapy includes:

Amend RSA 328-A:2, II as inserted by section 1 of the bill by replacing it with the following:

II. This section shall not be construed to prohibit students enrolled in physical therapy education programs approved by the United States Department of Education and the Council on Postsecondary Accreditation from performing work incidental to their respective courses of study or supervised clinical work while under the supervision of a physical therapist.

Amend the introductory paragraph of RSA 328-A:3 as inserted by section 1 of the bill by replacing it with the following:

Persons desiring licensure as a physical therapist or physical therapist assistant shall file a written application in a form specified by the board and pay an application fee. This application shall establish that the applicant:

Amend RSA 328-A:5, II and RSA 328-A:6 as inserted by section 1 of the bill by replacing them with the following:

II. The board, after consultation with the advisory committee, shall establish requirements for continuing professional education as a condition of license renewal, initial licensure, or license reinstatement. The minimum number of hours required per year shall be 20 for a physical therapist II, 15 for a physical therapist I and 10 for a physical therapist assistant.

328-A:6 Fees. The board shall adopt rules, under RSA 541-A, relative to fees for initial licenses, license renewal applications, reinstatement applications, and standardized examinations. All such fees collected by the board under the provisions of this chapter shall be nonrefundable and shall be deposited in the treasury as unrestricted general fund revenue.

Amend RSA 328-A:10, I as inserted by section 1 of the bill by replacing it with the following:

I. A physical therapist I licensed under this chapter shall not practice physical therapy without a written prescription or referral from a person licensed to practice medicine, dentistry, podiatry, chiropractic, or naturopathy, or from a person licensed as a physician assistant or advanced registered nurse practitioner.

Amend RSA 328-A:10, III as inserted by section 1 of the bill by replacing it with the following:

III. Nothing in this chapter shall be construed as authorizing a licensed physical therapist to practice medicine, osteopathy, chiropractic, naturopathy, or any other form or method of healing, except physical therapy. The use of roentgen rays and radium for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes including cauterization, shall not be authorized under the term "physical therapy" as used in this chapter.

Amend RSA 328-A:11, I as inserted by section 1 of the bill by replacing it with the following:

I. A person licensed under this chapter as a physical therapist II may evaluate and develop a working diagnosis for treatment by physical therapy without a referral, but shall obtain consultation with a person licensed to practice medicine, dentistry, podiatry, chiropractic, or naturopathy, or with a person licensed as a physician assistant or advanced registered nurse practitioner in order to continue treatment beyond 75 consecutive days. This consultation can be made by phone, fax, in writing or in person but does not necessitate a written referral. This consultation must be documented in the patient's medical record. For patients whose problem is outside the scope of physical therapy, or if at any time, a patient requires further medical evaluation or diagnostic testing, or if there is no documented improvement within 30 days of the initiation of treatment, the patient shall be appropriately referred to a physician, podiatrist, dentist, chiropractor, naturopath, physician assistant or advanced registered nurse practitioner.

Amend the introductory paragraph of RSA 328-A:12 as inserted by section 1 of the bill by replacing it with the following:

328-A:12 Therapists Educated Outside the United States. A physical therapist who has been educated outside the United States may apply for a New Hampshire licensure if:

Amend RSA 328-A:13, I as inserted by section 1 of the bill by replacing it with the following:

I. Any physical therapist or physical therapist assistant who has graduated from a physical therapy professional education program approved by the United States Department of Educa-

tion and the Council on Postsecondary Accreditation, but who has never been licensed in this or any other state, may, with the approval of the board upon receipt of application for licensure and fee required by the board, obtain a temporary license valid for 9 months. The temporary licensee shall practice physical therapy under the supervision of a licensed physical therapist I or physical therapist II. Failure to pass the licensure examination shall immediately invalidate a temporary license.

Amend RSA 328-A:13, III as inserted by section 1 of the bill by replacing it with the following:

III. Therapists educated outside the United States are eligible for temporary licensure provided they meet the criteria set forth in RSA 328-A:12, but no temporary license shall be effective for more than 9 months. Practice under such temporary license shall be under the supervision of a licensed physical therapist.

Amend RSA 328-A:13 as inserted by section 1 of the bill by inserting after paragraph III the following new paragraph:

IV. No more than one temporary license shall be issued to any person.

Referred to Executive Departments and Administration.

**HB 259**, providing limited immunity from liability for a professional engineer acting as an emergency management worker. **INEXPEDIENT TO LEGISLATE**

Rep. Donald F. McMahon for Judiciary and Family Law: The committee shares the concern of the professional engineers when it comes to practicing engineering without compensation in response to a declared emergency. However, it was felt that current RSAs 107-C:10-II and III cover everyone who performs emergency management services at any place in the state subject to the order or control of, or pursuant to a request of, the state or any of its political subdivisions. It was further felt that singling out one group could put all other licensed professionals at risk. Vote 10-2.

**HB 306**, establishing a children, youth, and families council to address the efficient delivery of services to children and families. **RE-REFER TO COMMITTEE**

Rep. Julie M. Brown for Judiciary and Family Law: In August, the NH Children's Trust Fund and DCYF will have a grant that encourages a statewide system of family resource support programs to aid in family preservation. In re-referring HB 306 we will work together for the family. Vote 15-0.

**HB 469-FN**, relative to a civil filing fee surcharge to fund civil legal assistance to low-income persons. **RE-REFER TO COMMITTEE**

Rep. Nick Hart for Judiciary and Family Law: After hearing overwhelming testimony for this bill, the committee was informed there might be some alternative funding coming from Washington, D.C. With this in mind, the committee voted to Re-Refer so as to use this bill as a vehicle to accept any monies coming from that source. Vote 12-0.

**HB 538-FN-L**, relative to DCYF enforcement of financial liability of responsible parties, authorizing DCYF to pay for ancillary services without a court order, and removing the requirement that advisory board consult in rate setting. **INEXPEDIENT TO LEGISLATE**

Rep. Josephine Mayhew for Judiciary and Family Law: Spokespersons for 10 counties gave or submitted testimony that passage of this bill would put an undue burden on the counties to collect for services provided to certain children and families. In addition, the committee was of the opinion that this bill would create an unfunded mandate which is prohibited by Article 28-a, Part 1 of the New Hampshire Constitution. Vote 17-0.

**HB 545-FN**, relative to child support collection and related rulemaking authority of the director of human services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Julie M. Brown for Judiciary and Family Law: This bill authorizes the director of human services to adopt rules to amend the formula for distribution of child support arrearage payments collected by the office of child support enforcement services. This bill will change the distribution formula sending more money into the household transitioning off AFDC. Vote 18-0.

#### **Amendment (1526L)**

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect March 1, 1996.

Referred to Finance.

**HB 505-FN**, relative to the boiler and unfired pressure vessel inspection law, including certain fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Edgar H. Mears for Labor, Industrial and Rehabilitative Services: This bill clarifies the exemptions from the law and adds a civil penalty procedure. This bill was requested by the Department of Labor. Vote 13-0.

### **Amendment (1553L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to the boiler and unfired pressure vessel inspection law.

Amend the bill by replacing all after the enacting clause with the following:

1 Stylistic Change. Amend the introductory paragraph of RSA 157-A:2 to read as follows:

[For the purposes hereof, the following words or phrases shall be defined as follows] *In this chapter:*

2 Gender Neutral. Amend RSA 157-A:2, VIII to read as follows:

VIII. "Certificate inspection" means an inspection, the report of which is used by the commissioner or [his] *the commissioner's* authorized representative to decide whether or not a certificate, as provided by RSA 157-A:9, may be issued. This certificate inspection shall be an internal inspection when the construction permits; otherwise, it shall be an inspection as complete as possible.

3 Gender Neutral. Amend RSA 157-A:4 to read as follows:

157-A:4 New Boiler and Pressure Vessel Installation. No boiler or pressure vessel which does not conform to the rules adopted by the commissioner governing new construction and installation shall be installed and operated in this state unless the boiler or pressure vessel is of special design or construction, and is not inconsistent with the spirit and safety objectives of such rules, in which case a special installation and operating permit may at [his] *the commissioner's* discretion be granted by the commissioner.

4 Exemptions. RSA 157-A:6 is repealed and reenacted to read as follows:

157-A:6 Exemptions.

I. The inspection requirements of RSA 157-A:8, 9-a and 10 shall not apply to private residences or apartment houses of less than 3 family units.

II. This chapter shall not apply to the following boilers:

(a) Boilers under federal control, or United States Coast Guard control.

(b) Manually fired boilers for model locomotive, boat, tractor, stationary engines, or antique motor vehicles constructed or maintained only as a hobby for exhibition or educational or historical purposes, not for commercial use; provided that such boilers have an inside diameter of less than 12" or a grate area not in excess of 2 square feet and equipped with an ASME stamped safety valve of adequate capacity and size, a water level indicator and a pressure gauge.

(c) Boilers with less than 200,000 BTU/HR output in apartment houses.

III. This chapter shall not apply to the following pressure vessels:

(a) Pressure vessels under federal control, or United States Coast Guard control.

(b) Pressure vessels used for transportation or storage of compressed gases when constructed in compliance with specification of the Interstate Commerce Commission and when charged with gas, marked, maintained, and periodically requalified for use, as required by appropriate regulations of the Interstate Commerce Commission.

(c) Air tanks located on vehicles operating under the rules of the states' authorities and used for carrying passengers or freight.

(d) Air tanks installed on the right of way of railroads and used directly in the operation of trains.

(e) Pressure vessels that do not exceed (1) 5 cubic feet in volume or 250 psig, (2) 1 1/2 cubic feet in volume or an inside diameter of 6 inches, and 3,000 psig.

(f) Pressure vessels operating at a working pressure not exceeding 15 psig.

(g) Water-containing vessels (excluding hot water heaters) having a working pressure not to exceed 125 psig including those with air, the compression of which serves only as a cushion.

(h) Tanks containing air and liquids in which pressure is maintained by pumps.

(i) Group I refrigerant receivers (A.S.H.R.A.E.).



IV. This chapter shall not apply to hot water heaters installed after the effective date of this act provided that none of the following limitations are exceeded:

- (a) Heat input of 200,000 BTU/HR.
- (b) Water temperature of 210°F.

5 Gender Neutral. Amend RSA 157-A:7, III and IV to read as follows:

III. The commissioner may revoke any license issued by [him] *the commissioner* for cause shown, after a hearing, if so requested. The holder of the license under question shall receive 7 days' written notice informing [him] *the holder* of the charges against [him] *such holder* and of the time and place of the hearing.

IV. Any boiler or pressure vessel that does not conform to the standards established under RSA 157-A:3 may be operated under the following conditions:

(a) Such boiler or vessel shall be operated only as a hobby or for educational or historical purposes. Under no condition may it be operated for commercial purposes.

(b) An inspection of such boiler or vessel shall be conducted annually by a person qualified under RSA 157-A:7 and in accordance with rules [promulgated] *adopted* by the commissioner.

(c) Such boiler or vessel shall conform to any conditions or restrictions established by the commissioner to carry out the purposes of this section.

(d) No lap seam boiler permitted under this section may be operated at a pressure exceeding 100 psig.

6 Gender Neutral. Amend RSA 157-A:8, II (g), (h) and the introductory paragraph of (i) to read as follows:

(g) A grace period of 2 months beyond the period specified in subparagraphs (a), (b), (c), (d), (e), and (f) of this paragraph may elapse between certificate inspections. *Prior to the expiration of the 2-month grace period, the owner or user of the boiler or pressure vessel shall receive a written warning from the department of labor for any required inspection which was not completed prior to the expiration of the inspection certificate.*

(h) The commissioner may, at [his] *the commissioner's* discretion, permit longer periods between certificate inspection.

(i) Under the provisions of this chapter, the commissioner is responsible to provide for the safety of life, limb, and property of the general public and therefore has jurisdiction over the interpretation and application of the inspection requirements as provided for in the rules [he] *the commissioner* has adopted. Inspection during construction and installation shall certify as to the minimum requirements for safety as defined in the construction codes. Inspection requirements of operating equipment shall be in accordance with generally accepted practice and compatible with the actual service conditions, such as:

7 New Section; Civil Penalties; Penalty Appeal Board; Appeals. Amend RSA 157-A by inserting after section 10 the following new section:

157-A:10-a Civil Penalties.

I. In addition to any criminal penalty provided under RSA 157-A:10, the commissioner may, after hearing, impose a civil penalty not to exceed \$500, as determined by the commissioner, for any violation of any of the provisions of this chapter or of any rule adopted pursuant to this chapter. Any person on whom a penalty is imposed under this section may appeal as provided in RSA 273:11-c and 273:11-d. All moneys collected under this section shall be deposited in the general fund.

II. The commissioner shall conduct hearings in the manner required under rules adopted pursuant to RSA 541-A and 273:11-a, II.

8 Repeal. RSA 157-A:11, relative to the disposition of fees, is repealed.

9 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

The bill clarifies the exemptions from the law and adds a civil penalty procedure.

The bill amends other provisions of the law making them gender neutral in accordance with RSA 17-A:6, relative to gender neutral drafting.

**HB 239-L**, relative to a property tax exemption for real estate used as subsidized rental housing, INEXPEDIENT TO LEGISLATE

Rep. Thomas E.P. Rice, Jr. for Municipal and County Government: The committee believes that this bill is so vague that it would cause extensive litigation. The subject matter in part is similar to HB 345. Vote 14-1.

**HB 394-L**, relative to review of developments of regional impact. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas E.P. Rice, Jr. for Municipal and County Government: The committee strongly believes that it is inappropriate to assign the powers of the court to a neighboring municipality. This could create animosity between jurisdictions. Vote 13-2.

**HB 403-L**, relative to the authority of water commissioners. **INEXPEDIENT TO LEGISLATE**

Rep. Elizabeth A. Cepaitis for Municipal and County Government: This bill would reverse HB 1211 heard by Science, Technology and Energy Committee and passed last year. The committee believes it is premature to reverse the intent of that legislation. Vote 15-0.

**HB 414-FN-L**, repealing a requirement that a municipality pay certain abatement-related expenses of the board of tax and land appeals following a reappraisal in that municipality by a commercial firm. **OUGHT TO PASS WITH AMENDMENT**

Rep. Linda T. Foster for Municipal and County Government: This bill, supported by the Board of Tax and Land Appeals, repeals a requirement that a municipality pay certain abatement-related expenses of the Board of Tax and Land Appeals following a reappraisal in that municipality by a commercial firm. The amendment, requested by BTLA, coordinates and simplifies eminent domain proceedings without adversely affecting citizens' rights. Vote 17-0.

#### **Amendment (1528L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

repealing a requirement that a municipality pay certain abatement-related expenses of the board of tax and land appeals following a reappraisal in that municipality by a commercial firm, and giving the board jurisdiction to review the necessity of a taking under RSA 498-A.

Amend the bill by replacing section 2 with the following:

2 Intent of Chapter. Amend RSA 498-A:1 to read as follows:

498-A:1 Intent of Chapter. It is the intent by the enactment of this chapter to provide a complete and exclusive procedure to govern all condemnations of property for public purposes *including the review of necessity, public purposes and net-public benefit*, and the assessment of damages therefor. It is not intended to enlarge or diminish the power of condemnation given by law to any condemnor and it is not intended to enlarge or diminish the rights given by law to any condemnee to challenge the necessity, *public purposes and net-public benefit* for any condemnation.

3 Preliminary Objection. Amend RSA 498-A:9-a, I(c) to read as follows:

(c) The [declaration] *necessity, public purposes and net-public benefit of the taking.*

4 New Section; Determination of Preliminary Objection. Amend RSA 498-A by inserting after section 9-c the following new sections:

498-A:9-d Determination of Preliminary Objections Based on Necessity, Public Purpose and Net-Public Benefit.

I. If a condemnee files a preliminary objection under RSA 498-A:9-a, I(c) concerning necessity, public purpose or net-public benefit, the board shall transfer that preliminary objection to the superior court of the county in which the property is located. There shall be no filing fee for such transfer.

II. Upon receipt of the transfer from the board, the superior court shall rule on the preliminary objection. Parties may appeal the superior court's decision to the supreme court. Once the decision is final and nonappealable, the superior court shall send to the board a copy of its decision.

III. If the superior court denies the condemnee's preliminary objection, the board shall then proceed under RSA 498-A:25 to determine the amount of just compensation.

IV. If the superior court grants the preliminary objection, the board shall determine the damages, if any, in accordance with RSA 498-A:9-a, V and then dismiss the declaration of taking and record such dismissal order in the registry of deeds.

5 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill repeals a requirement that a municipality pay certain abatement-related expenses of the board of tax and land appeals for 2 years following a reappraisal of real estate in that municipality by a commercial firm.

The bill also gives the board of tax and land appeals jurisdiction to review the necessity, public purposes and net-public benefit of a taking if raised as a preliminary objection under RSA 498-A.

**HB 422-L**, requiring that a vote taken on reconsideration at a town or school district meeting shall fail unless the subsequent vote passes by a greater number of total votes than the original vote on the issue. **INEXPEDIENT TO LEGISLATE**

Rep. Robert M. Fesh for Municipal and County Government: This is no longer a problem. There are currently adequate safeguards in place. This bill would propose many problems including counting every vote taken. Even the sponsor agreed to its flaws. Vote 14-1.

**HB 449**, establishing a study committee to examine and recommend a process for certifying persons who perform tax assessments and property appraisals for municipalities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard Noyes for Municipal and County Government: This bill continues a committee which has been studying various aspects of sound property tax administration. It has already produced some constructive work in the areas, and proposes now to address additional matters which deserve attention. Vote 15-0.

### Amendment (1171L)

Amend paragraph I of section 2 of the bill by replacing it with the following:

I. Committee members shall be appointed within 30 days of the effective date of this act and shall meet within 60 days of the effective date of this act. The public members of the committee shall be nonvoting members. The first-named house member of the committee shall call its first meeting. Legislative members shall receive mileage at the legislative rate.

**HB 462**, establishing a committee to study means of municipal revenue raising in lieu of the property tax. **INEXPEDIENT TO LEGISLATE**

Rep. James R. MacKay for Municipal and County Government: The committee felt that legislation was not required to establish a study committee to study means of municipal revenue raising in lieu of the property tax. In addition, it appears that the proposed committee membership could be inconsistent with the joint rule dealing with membership on legislative committees. Vote 14-2.

**HB 611-FN-L**, establishing an optional program allowing a tax credit for part of the school portion of local property tax for individuals who home school their children. **INEXPEDIENT TO LEGISLATE**

Rep. Elizabeth A. Cepaitis for Municipal and County Government: The children being educated in the home have access to school facilities, supplies, and classroom activities if they wish to use them; therefore, a tax credit is inappropriate. The committee also is opposed to this legislation as it would open the door to a "pay-for-services" educational policy. Vote 17-0.

**HB 212**, relative to children's firearm safety. **INEXPEDIENT TO LEGISLATE**

Rep. Leo Pepino for Public Protection and Veterans Affairs: This bill makes a person guilty of a Class B felony if he stores a loaded firearm or an unloaded firearm accompanied by ammunition in any location where he should know an unsupervised child is likely to gain access. There are so many possibilities under which the provisions of this law could be enacted that the committee decided to investigate the subject of children and firearm safety. There are many programs offered that are used in some New Hampshire schools and day care centers designed to teach youngsters how to react when confronted with a firearm, loaded or unloaded. A program viewed

by this committee is the "Eddie Eagle Gun Safety Program". There are programs designed for preschool through grade 6. The committee determined an educational effort is the best way to prevent accidents. Vote 11-0

**HB 262**, relative to the sale of and authorization to carry mechanical self-opening or spring knives. **INEXPEDIENT TO LEGISLATE**

Rep. George Rubin for Public Protection and Veterans Affairs: There was insufficient testimony to justify the authorization to sell mechanical self-opening or spring knives by licensed police supply and gun dealers. This limited market is satisfied by a catalogue sales program. Vote 11-0.

**HB 270**, relative to bail agents and recovery agents. **OUGHT TO PASS**

Rep. Leo P. Pepino for Public Protection and Veterans Affairs: There is no mention of either bail agents or recovery agents/bounty hunters in New Hampshire law. Currently, in New Hampshire there is no regulation of out-of-state recovery agents/bounty hunters. This bill requires bail agents and recovery agents/bounty hunters to notify a municipality's chief law enforcement officer when searching for a person who is wanted by a court for bail conditions in the jurisdiction of the municipality. Vote 11-0.

**HB 298**, relative to the rulemaking authority of the police standards and training council and permitting the council to delegate certain powers and duties to the director of police standards and training. **OUGHT TO PASS WITH AMENDMENT**

Rep. David A. Welch for Public Protection and Veterans Affairs: This bill permits the Police Standards and Training Council, with the approval of the board of governors of postsecondary technical education, to allow for tuition students and associated fees for such students. It further exempts the curriculum and student performance requirements of the Police and Corrections Academies from the provisions of RSA 541-A. The intent of this bill is to allow students to become certified to hold certain law enforcement and correctional positions before appointment and at their own expense. Small police departments could acquire these individuals who are precertified at their own expense. Vote 11-0.

#### **Amendment (1513L)**

Amend RSA 541-A:21, I(s) as inserted by section 17 of the bill by replacing it with the following:

(s) RSA 188-F:26, V relative to educational, training and evidentiary standards and curriculum requirements for police and corrections personnel and courses and tuition students at such courses.

**HB 362**, relative to the authority to make arrests in fresh pursuit. **OUGHT TO PASS WITH AMENDMENT**

Rep. Bruce F. Hunter for Public Protection and Veterans Affairs: This bill amends current statutes to allow a peace officer in pursuit of an individual whom he has reason to suspect or has witnessed commit a violation of a statute or ordinance to continue pursuit, apprehend, arrest and hold in custody even though such pursuit has entered another jurisdiction within this state. Vote 11-0.

#### **Amendment (1409L)**

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. The intent of this act is to allow peace officers to arrest for all offenses prohibited by statute or ordinance, when such offenses occur in the officer's presence, without being limited by the definition of "crime" pursuant to RSA 625:9. The terms "crimes" and "offenses" are synonymous, and the use of such terms were never meant to affect the criminal process of enforcement.

2 Authority Granted to Make Arrest Expanded. Amend RSA 614:7 to read as follows:

614:7 Authority Granted to Make Arrest.

I. Any peace officer of this state or other person authorized to make arrests in a criminal case in this state in fresh pursuit of a person who is reasonably believed by [him] **such officer** to have committed a felony in this state or who has committed or attempted to commit any

criminal offense in this state in the presence of such officer, or for whom such officer holds a warrant of arrest for [a criminal] *any* offense, shall have the authority to arrest and hold in custody such person anywhere in this state.

***II. Any peace officer of this state in fresh pursuit of a person who is reasonably suspected by such officer of driving under the influence of intoxicating liquor or controlled drugs, or has violated any motor vehicle statute, ordinance or any other law in this state in the presence of such officer, or for whom such officer holds a warrant of arrest for any offense, shall have the authority to arrest and hold in custody such person anywhere in this state.***

3 Fresh Pursuit; Definition Modified. Amend RSA 614:9 to read as follows:

614:9 What Constitutes Fresh Pursuit. The term "fresh pursuit" as used in this subdivision shall include fresh pursuit as defined by the common law and also the pursuit of a person who has committed a felony or is reasonably suspected of having committed a felony in this state, or ***under RSA 614:7, II a person*** who [has committed or attempted to commit any criminal offense] ***is reasonably suspected of driving under the influence of intoxicating liquor or controlled drugs, or who has violated any motor vehicle statute, ordinance, or any other law*** in this state in the presence of the arresting officer referred to in RSA 614:7, or for whom such officer holds a warrant of arrest for [a criminal] *any* offense. It shall also include the pursuit of a person suspected of having committed a supposed felony in this state, though no felony has actually been committed, if there is reasonable ground for so believing. Fresh pursuit as used herein shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.

4 Effective Date. This act shall take effect January 1, 1996.

#### AMENDED ANALYSIS

This bill authorizes a peace officer to arrest, while in fresh pursuit anywhere in this state a person reasonably suspected of violating a motor vehicle statute or ordinance or any other state law.

**HB 583-A**, requiring the state to reopen Mittersill ski area and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. Gene G. Chandler for Public Works and Highways: This bill would require the state of New Hampshire to reopen Mittersill Ski Area and make an appropriation of \$1.5 million for capital improvements. Given the number of bills dealing with ski areas and the many thoughts and ideas being bandied about concerning their operations, the committee felt it was very important to Re-Refer this piece of legislation. The appropriation in this bill and the intended uses are both inadequate to properly address the Mittersill situation, and if the decision is made to move forward with the Mittersill expansion, the committee feels it should be done appropriately. This recommendation in no way reflects on the merits of the Mittersill expansion, merely the obvious problems with the level of funding and intended improvements which need more investigation. Vote 20-0.

**HB 636-FN**, prohibiting certain advertising devices on scenic and cultural byways. OUGHT TO PASS WITH AMENDMENT

Rep. Katherine D. Rogers for Public Works and Highways: This bill, as amended, would prohibit the erection and maintenance of certain advertising devices, (billboards), on any primary system highway designated as a scenic or cultural byway. Any billboard erected prior to the effective date of this bill may be maintained. The bill also authorizes the Scenic and Cultural Byways Council to remove from any scenic and cultural byway segments that are considered commercial or industrial areas. Additionally, this bill increases the membership of the Scenic and Cultural Byways Council to three persons representing municipalities and adds one person representing the Outdoor Advertising Association, all to be appointed by the Governor. Vote 11-0.

#### Amendment (1471L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to advertising devices on scenic and cultural byways and increasing the membership of the scenic and cultural byways council.

Amend the bill by replacing all after the enacting clause with the following:

1 Scenic and Cultural Byways Council; Membership Increased. Amend the introductory paragraph and subparagraph I(a) of RSA 238:20 to read as follows:

I. The scenic and cultural byways council shall consist of the following [10] **13** members:

(a) [Six] **Nine** members appointed by the governor [and council] including one person representing regional planning, [one person] **3 persons** representing municipalities, one person representing tourist and recreation interests, one person representing forests and lands, one person representing the utilities, **one person representing the Outdoor Advertising Association of New Hampshire** and one person representing the highway construction industry.

2 New Section; Advertising Devices on Scenic and Cultural Byways Prohibited. Amend RSA 238 by inserting after section 23 the following new section:

238:24 Advertising Devices on Scenic and Cultural Byways. Notwithstanding any provisions of law to the contrary, advertising devices as defined in RSA 236:70, I, shall not be erected on any primary system highway that has been designated as a scenic and cultural byway, provided that:

I. The council shall remove any scenic and cultural byway designation, highway sections that:

(a) Have no scenic or cultural value; and

(b) Have been designated or would be designated solely to preserve system continuity.

II. Nothing in this section shall preclude the council from removing from any scenic and cultural byway designation, highway sections that are adjacent to property that is used for intensive commercial or industrial purposes. In this section, "intensive" means an area containing more than 5 zoned commercial or industrial activities located within one continuous mile.

III. Advertising devices erected before the effective date of this section may be maintained.

IV. On premise signs, as defined in RSA 236:73, III, and directional, informational or official signs, as defined under RSA 236:73, IV, may be erected and/or maintained.

3 Effective Date. This act shall take effect 30 days after its passage.

#### AMENDED ANALYSIS

This bill prohibits the erection and maintenance of certain advertising devices on any primary system highway which has been designated as a scenic or cultural byway.

This bill authorizes the scenic and cultural byways council to remove from any scenic and cultural byway highway segments to exclude certain commercial or industrial areas.

This bill also increases the membership of the scenic and cultural byways council and permits the governor to appoint the members. Current law requires the governor and council to appoint the members.

**HB 603-FN**, authorizing the sweepstakes commission to construct and administer a casino establishment at the former Pease Air Force Base. **INEXPEDIENT TO LEGISLATE**

Rep. Francis Vincent for Regulated Revenues: This bill deals with a casino at Pease Air Force Base. The committee felt that HB 599 would be a better vehicle to study gambling in general and casinos in particular. The feelings relative to a large casino at Pease dictated Inexpedient to Legislate. Vote 14-0.

**HB 487-FN**, exempting municipalities from paying registration fees for dams. **INEXPEDIENT TO LEGISLATE**

Reps. Thomas J. Kirby and Howard C. Dickinson, Jr. for Resources, Recreation and Development: The bill exempts municipalities from those registration fees paid now by all owners of dams in New Hampshire. As dam ownership is a voluntary municipal action, the committee believes that a 28-A mandate does not exist in this situation. Further, the dam registration fee provides the major portion of the support for the State dam inspection program to ensure the public health and safety from dam failure. This is at a very modest cost to all dam owners, both public and private. These fees provide dam owners with significant value in competent engineering review of their dams at very low cost. As the usual general fund contribution to this effort is absent from the Governor's budget, this is not the time to completely emasculate the dam safety program by eliminating a major portion of the dedicated fee revenue. This is particularly important in light of the fact that the modest general fund contribution is in doubt. Vote 13-0.

**HB 494-FN**, relative to the fee for analyses required by the federal Safe Drinking Water Act. **ought to PASS WITH AMENDMENT**

Rep. Amy Patenaude for Resources, Recreation and Development: As amended, this bill increases the fees for water analyses performed by the Department of Environmental Services.

The current fee structure is not sufficient for DES to recover the costs of the tests. These fees are still less than charged by private testing labs. The amendment lists the analyses required by the Federal Safe Water Act and for special parameters not required by the Act. The committee felt it reasonable to include the list so that the agency cannot increase them without the Legislature's approval. Vote 13-0.

### Amendment (1366L)

Amend RSA 131:3-a, II as inserted by section 1 of the bill by replacing it with the following:

II. Fees for analyses of the following special parameters not required by the federal Safe Drinking Water Act shall be:

(a) Algae	\$ 10
(b) Alkalinity	\$ 12
(c) Ammonia	\$ 14
(d) Asbestos	\$ 24
(e) Biochemical Oxygen Demand	\$ 34
(f) Biosuitability	\$ 145
(g) Chemical Oxygen Demand	\$ 30
(h) Chloride	\$ 7
(i) Chlorine Residual	\$ 7
(j) Color	\$ 4
(k) E. coli CTS/100mL	\$ 9
(l) Ethylene Glycol	\$ 170
(m) Fecal Coliform MPN/100mL	\$ 13
(n) Fecal Coliform CTS/100mL	\$ 15
(o) Fluoride	\$ 6
(p) Hardness	\$ 10
(q) Individual Metals such as Lead, Copper, Arsenic or Aluminum	\$ 10 each
(r) Iron Bacteria	\$ 10
(s) MBAS (Methylene Blue Active Substances	\$ 208
(t) Nitrate/Nitrite	\$ 7
(u) Odor	\$ 11
(v) Oil and Grease	\$ 86
(w) Pesticide/Herbicide	\$ 193
(x) pH	\$ 6
(y) Propylene Glycol	\$ 170
(z) Specific Conductance	\$ 8
(aa) Standard Plate Count	\$ 22
(bb) Sulfate	\$ 11
(cc) Sulfide	\$ 18
(dd) Suspected Sewage (surface water)	\$ 40
(ee) Suspected Sewage (drinking water)	\$ 54
(ff) Tannins	\$ 16
(gg) Total Dissolved Solids	\$ 14
(hh) Total Solids	\$ 14
(ii) Total Phosphorus	\$ 10
(jj) Total Kjeldahl Nitrogen	\$ 22
(kk) Total Coliform MPN/100mL	\$ 18
(ll) Total Coliform CTS/100mL	\$ 14
(mm) Total Petroleum Hydrocarbons (fuel)	\$ 169
(nn) Total Petroleum Hydrocarbons (gas)	\$ 79
(oo) Turbidity	\$ 7

Amend RSA 131:3-a as inserted by section 1 of the bill by deleting paragraph III and renumbering the original paragraph IV to read as III.

## AMENDED ANALYSIS

This bill changes fees for analyses required by the federal Safe Drinking Water Act. Referred to Finance.

**HB 530-FN**, transferring the functions and duties of the director of state ski operations. REFER TO COMMITTEE

Reps. Deborah F. Merritt and Howard C. Dickinson, Jr. for Resources, Recreation and Development: The committee felt, given the current discussion regarding the future of New Hampshire's ski areas, that it was unwise to implement a significant policy change at this time. The committee wishes to learn the intent of the Legislature regarding Sunapee and Cannon Mountain and will act accordingly next year. Vote 11-2.

**HB 626-FN**, establishing a shoreline structures board and relative to the regulation of certain impact projects. INEXPEDIENT TO LEGISLATE

Reps. Howard C. Dickinson, Jr. and Michael D. Whalley for Resources, Recreation and Development: While this bill proposes a solution to the problems of enforcement of the Wetlands Board rules and regulations on our inland waters and illustrates a number of problems, the committee believes that a complete review of the Board's procedures as part of a full sunset review will result in solutions to many difficulties presently experienced and will improve the coordination between the Wetlands Board and other state agencies. Vote 17-0.

**HB 379**, relative to zoning height limitations on amateur radio towers. OUGHT TO PASS WITH AMENDMENT

Rep. Ralph J. Rosen for Science, Technology and Energy: This bill brings to the attention of the zoning officials the existence of a federal statute that may have bearing on their deliberations. Vote 12-0.

## Amendment (1186L)

Amend the bill by replacing sections 3 and 4 with the following:

3 New Paragraph; Amateur Radio Antennas. Amend RSA 674:16 by inserting after paragraph III the following new paragraph:

IV. Except as provided in RSA 424:5 or RSA 422-B or in any other provision of Title XXXIX, no city, town, or county in which there are located unincorporated towns or unorganized places shall adopt or amend a zoning ordinance or regulation with respect to antennas used exclusively in the amateur radio services that fails to conform to the limited federal preemption entitled Amateur Radio Preemption, 101 FCC 2nd 952 (1985) issued by the Federal Communications Commission.

4 New Paragraph; Amateur Radio Antennas. Amend RSA 674:17 by inserting after paragraph II the following new paragraph:

III. Except as provided in RSA 424:5 or RSA 422-B or in any other provision of Title XXXIX, no city, town, or county in which there are located unincorporated towns or unorganized places shall adopt a zoning ordinance or regulation with respect to antennas used exclusively in the amateur radio service that fails to conform to the limited federal preemption entitled Amateur Radio Preemption, 101 FCC 2nd 952 (1985) issued by the Federal Communications Commission.

**HCR 4**, relative to the Republic of China on Taiwan. OUGHT TO PASS

Rep. Carol H. Holden for State-Federal Relations: Testimony indicated that the passage of this HCR will encourage and support the full participation of the Republic of China in the United Nations. China represents Taiwan at the United Nations. Currently, Taiwan is not able to speak out on international issues, but the country is willing to be a part of the international community. Vote 12-0.

**HJR 3**, urging the members of Congress to implement the recommendations of the Northern Forest Lands Council. OUGHT TO PASS WITH AMENDMENT

Rep. Douglass P. Teschner for State-Federal Relations: The amendment deletes reference to a national excise tax on recreational equipment. With this section deleted, the committee unanimously supported this important resolution in support of the Northern Forests Land Council. Vote 12-0.



**Amendment (1483L)**

Amend the resolution by replacing all after the title with the following:

Whereas, the northern forest comprises 26 million acres of forest land stretching from eastern Maine through New Hampshire and Vermont across northern New York almost to Lake Ontario; and

Whereas, the northern forest is one of the largest expanses of continuously forested land in the nation; and

Whereas, the northern forest is valuable in many ways to the people who live within its boundaries, work with its resources, use its products, visit it, and care about it; and

Whereas, nearly 85 percent of the northern forest is privately owned and has provided a diversity of environmental and economic benefits; and

Whereas, the forest-based industries of this region have profound impacts on the economies of the 4 states; and

Whereas, within the 4 states, forest-related jobs, including manufacturing and tourism, account for a total annual payroll of over 3 billion dollars; and

Whereas, the northern forest provides products to people around the world; and

Whereas, the northern forest is also valued by those who live outside the region; and

Whereas, 70 million people live within a day's drive of the northern forest and many come for outdoor recreation, escape and adventure; and

Whereas, the visitors to the northern forest spend over 16 billion dollars annually, generating 750 million dollars in state and local taxes; and

Whereas, the northern forest is recognized as an important source of clean water and clear air and as an essential source of rich plant and animal diversity; and

Whereas, in the 1980's complex social and economic forces have led to competing and conflicting uses of the northern forest; and

Whereas, the concern about present and future conversion of forest land to non-forest uses in the northern forest region prompted Congress and the governors of Maine, New Hampshire, New York, and Vermont to create the Northern Forest Lands study and subsequently the Northern Forest Lands Council; and

Whereas, the study and the council have focused efforts on changes in the region which are, or potentially might be, leading to a loss of public and private values of these lands; and

Whereas, the private values of these lands include long-term stewardship of the forest resource for timber, wildlife, wildlife habitats, and ecosystems; and

Whereas, in September 1994 the Northern Forest Lands Council presented its recommendations for the northern forests; now, therefore be it

Resolved by the Senate and the House of Representatives in general court convened:

That the general court of New Hampshire hereby urges the federal government to implement the recommendations of the Northern Forest Lands Council; and

That Congress support funding of the forest legacy which is a federal program which provides funds to the United States Department of Agriculture Forest Service and other easement acquisition programs; and

That, as part of the forest legacy program, local jurisdictions be given maximum flexibility and discretion in administering any federal funds that may be made available through this and other similar programs; and

That Congress support the Stewardship Incentive Program by eliminating the 25 percent constraint on funds used for developing forest management plans, raising the maximum eligibility from 1,000 to 5,000 acres, allowing states to provide cost share funds for expenses related to voluntary land protection, and requiring landowners to reimburse the granting agency if conversion to non-forest use occurs within 10 years of receiving the cost-share funds; and

That certain federal laws be changed to allow heirs to make post mortem donations of conservation easements of undeveloped estate land and to allow the valuation of undeveloped land at current use values for estate tax purposes of owners or heirs who agree to maintain the land in its current use for a minimum of 25 years; and

That Congress change the Income Tax Code to allow the cost of timber to be set at the value of the timber when it was acquired, providing landowners with the incentive to keep timber in production; and

That Congress change the Income Tax Code to allow small private forest landowners to deduct, from their income tax, the forest management costs for less than 100 hours of work per year; and

That Congress change the Income Tax Code to exclude from income tax a portion of the gain received from the sale of qualified forest land and conservation easements from private to public conservation agencies; and

That as future acquisitions of forest land take place, that local jurisdictions be held harmless for the loss of local tax revenues; and

That Congress fund the Land and Water Conservation Fund at the currently authorized level with at least 60 percent of the funds going to the states; and

That Congress authorize and fund community development financial institutions or similar programs to steer capital to distressed communities in order to attract small industries and promote diversification; and

That Congress provide the necessary funds for the U.S. Forest Service to conduct and publish decennial forest surveys, ensuring that the funding is adequate enough so that it takes place every 10 years; and

That the general court of New Hampshire hereby urges the United States Congress to review and implement the recommendations of the Northern Forest Lands Council; and

That copies of this resolution, signed by the president of the senate and the speaker of the house be forwarded by the house clerk to the President of the United States, to the President of the United States Senate, to the speaker of the United States House of Representatives, and to each member of the New Hampshire Congressional delegation.

**HB 447**, establishing a committee to review certain aspects of the OHRV laws. RE-REFER TO COMMITTEE

Rep. Henry P. Mock for Transportation: This bill would have: (1) reviewed the enforcement of Off Highway Recreational Vehicle laws; (2) reviewed the OHRV Safety Training Program; (3) and OHRV trail maintenance and safety. Even though the committee was aware that the subject matters to be studied in this bill have been examined extensively in the past, it seemed appropriate to take advantage of the cooperative spirit of the Fish and Game Department and the Department of Resources and Economic Development personnel for just one last final look. Vote 13-0.

**HB 516-FN-A-L**, requiring the port authority to establish a uniform system for marking the ports, harbors and navigable tidal rivers. OUGHT TO PASS WITH AMENDMENT

Reps. Roger R. Berube and Jane Kelley for the Committee on Transportation: This bill would require marking intercoastal waters of the state, including the state ports, harbors and navigable tidal rivers not presently marked by the United States Coast Guard. Said system shall be installed on an incremental basis and shall be completed not later than four years after the effective date of this act. Vote 12-0.

#### Amendment (1504L)

Amend the bill by replacing section 3 with the following:  
3 Effective Date. This act shall take effect January 1, 1996.

**HB 324-FN**, relative to taking or harvesting clams and relative to clam license fees. OUGHT TO PASS WITH AMENDMENT

Rep. Allen K. MacNeil for Wildlife and Marine Resources: This bill accomplishes three points. (1) It increases the clam license fee from \$12.50 to \$20.00. (2) It changes the minimum age from 14 to 6; (3) Plus housekeeping language as requested by the NH Fish and Game Department. Vote 13-0.

#### Amendment (1422L)

Amend the bill by replacing section 1 with the following:

1 License for Taking Clams; Reference Removed; License Increased. Amend RSA 211:62-a to read as follows:

211:62-a License for Taking. No person shall at any time take [clams,] clam worms or oysters unless [he] *the person* is a resident of the state and [he] has been duly licensed as provided

in this section; provided that a resident of the state may take from any public tidal area which is not specifically posted to the contrary by the fish and game department not over one quart of clam worms during any one day for [his] *such person's* own use without a license [therefor]. Any resident of this state shall, upon application to the executive director of the fish and game department, be granted a license to take [clams,] clam worms or oysters upon payment of a fee of [\$12.50] **\$20** for each license. Such license shall be issued for the current calendar year. The executive director of the fish and game department shall make readily available such licenses as are covered by this section through its regular outlets. A person who furnishes to another person or permits another person to have or use [a clam,] *the person's* oyster[, or clam worm license [issued to himself] or *the license of* any other person, or changes or alters such license or uses a license issued to another person, or makes a false statement in an application to obtain said license shall be subjected to the penalty under RSA 211:64.

Amend the bill by replacing all after section 3 with the following:

4 Clams; Penalty; Reference Added. Amend RSA 211:64, 1 to read as follows:

I. Any person who violates the provisions of RSA 211:62-a, **211:64-b**, or any rule [or regulation promulgated] **adopted** by the executive director [as hereinbefore provided] relative to clams, clam worms and oysters shall be guilty of a violation.

5 New Sections; License for Recreational Taking of Clams. Amend RSA 211 by inserting after section 64-a the following new sections:

211:64-b License for Recreational Taking of Clams. No person shall at any time take clams for recreation unless the person is a resident of the state and has been duly licensed as provided in this section. Any person 6 years of age or older shall, upon application to the executive director of the fish and game department, be granted a license to take clams for recreational purposes upon payment of a fee of \$20. Such license shall be issued for the current calendar year. A person who furnishes to another person or permits another person to have or use the person's recreational clam license or the license of any other person, or changes or alters such license or uses a license issued to another person, or makes a false statement in an application to obtain said license shall be subjected to the penalty under RSA 211:64.

211:64-c Exception for Aged Persons. No fee, including the agent's fee, shall be required for the issuance of a license under the provisions of RSA 211:62-b for the recreational taking of clams of a resident of the state who is 68 years of age or over. Such license shall be effective for the remainder of such resident's life, as long as the applicant remains a resident of the state, unless sooner suspended or revoked by the executive director. The minimum residency requirements of RSA 214:7-b are applicable.

6 Effective Date. This act shall take effect January 1, 1996.

### AMENDED ANALYSIS

This bill establishes a license and fee requirement for the recreational taking of clams. This bill also increases the fee for the taking of clam worms or oysters.

This bill also amends the RSA provisions in accordance with RSA 17-A:6, relative to gender-neutral drafting.

Referred to Finance.

### REGULAR CALENDAR

**HB 113-FN**, prohibiting cigarette vending machines in areas to which minors have access. **INEXPEDIENT TO LEGISLATE**

Rep. Richard H. Krueger for Commerce, Small Business, Consumer Affairs and Economic Development: This bill was integrated into HB 650-FN-A, especially as it pertains to cigarette vending machines. Vote 12-4.

Adopted.

**HB 365**, relative to information on credit reports regarding paid property tax liens. **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Commerce, Small Business, Consumer Affairs and Economic Development: The Federal Fair Credit Reporting Act established that all credit information shall remain on a credit report for seven years. Maine passed a similar bill and it was overturned because tax liens are public information. The committee struggled with the lack of disclosure to

property owners; that when a tax lien is placed at the registry, it will show up on one's credit report. However, credit reports do show if a lien has been removed when the tax bill has been paid. Vote 10-5.

Adopted.

**HB 423**, restricting late payment fees on consumer installment credit payments. **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Commerce, Small Business, Consumer Affairs and Economic Development: As with HB 158, this bill would effect only a small number of credit card holders because it would only impact in-state credit cards. All credit cards have a minimum balance due, when if paid, a consumer can avoid a late payment fee. Unfortunately, the downside on having lower interest rates and no annual fees is the increase of late payment fees. Federal laws required that all credit cards must disclose the late payment fee and the grace period clearly in the disclosure statement. Finally, all credit cards will allow consumers to change their due dates. Vote 16-2.

Adopted.

**HB 464**, requiring insurance companies to give discounts to drivers over 55 years of age who complete an approved driver safety course. **INEXPEDIENT TO LEGISLATE**

Rep. Richard H. Krueger for Commerce, Small Business, Consumer Affairs and Economic Development: This bill would mandate an additional discount on top of those already given for safe driving to drivers 55-years of age and older. New Hampshire currently allows up to a 20 percent discount. Extensive research has shown that after the first and second year, the driving record of those completing safety courses are not statistically different from those not completing driver safety courses. Vote 15-0.

Adopted.

### SPECIAL ORDER

Rep. Amanda Merrill moved that **HB 491-FN**, requiring that milk products known to contain the genetically produced bovine somatotropin growth hormone to be so labeled, be made a Special Order for Wednesday, March 15, 1995 and spoke in favor.

Rep. Bonnie Packard spoke in favor.

Adopted.

### REGULAR CALENDAR (Cont'd.)

**HB 508-FN**, relative to liability insurance coverage for foster parents. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elizabeth L. Crory for Commerce, Small Business, Consumer Affairs and Economic Development: As amended, this bill will provide greater protection from suit to foster parents. The director of DCYF, the insurance department, and the bureau of risk management in administrative services in consultation will purchase liability coverage for persons providing foster care. In addition, a non-lapsing revolving fund will be established to pay the legal defense for foster parents who are named in judicial proceedings. No funds shall be available for judgments found against a foster parent. Foster parents will also be provided limited liability protection under the volunteer RSA 508:17. Vote 15-0.

### Amendment (1573L)

Amend the bill by replacing all after the enacting clause with the following:

1 Duties of Director of Human Services; Liability Insurance; Foster Care Providers Deleted. Amend RSA 161:4, III to read as follows:

III. LIABILITY INSURANCE. The director of the division of human services, department of health and human services, or [his] designee [is hereby authorized] *shall have the authority*, after consultation with the [commissioner of] insurance *department and the bureau of risk management, and in accordance with the procedures established by the commissioner of administrative services under RSA 21-I:8, II(e)*, to [enter into a contract with an insurance company to] purchase personal liability coverage for individuals providing [foster care for children and] care to adults [residing] *receiving assistance from the division who reside* in certified residential care facilities. *The amount and nature of this insurance coverage may vary in the discretion of the commissioner of administrative services.*

2 New Paragraphs; Director of Children, Youth, and Families Powers and Duties; Liability Self-Insurance for Foster Parents. Amend RSA 170-G:3 by inserting after paragraph V the following new paragraph:

VI. The director shall have authority, after consultation with the insurance department and the bureau of risk management, and in accordance with the procedures established by the commissioner of administrative services under RSA 21-I:8, II(e), to purchase insurance coverage for the benefit of individuals providing foster care to children within the jurisdiction of the division. The amount and nature of this insurance coverage may vary in the discretion of the commissioner of administrative services.

VII.(a) The director shall have authority to place appropriated funds not to exceed \$35,000 per year in a non-lapsing revolving fund to be known as the foster parents defense and reimbursement fund where they may accumulate until a maximum balance of \$100,000 is reached. This revolving fund may be replenished from time to time by payments which do not exceed \$35,000 annually in order to maintain a balance of up to \$100,000, but any amount in excess of \$100,000 which remains at the end of any given fiscal year shall lapse to the general fund.

(b) Any amounts placed in the foster parents defense and reimbursement fund shall be used for the following purposes:

(1) To pay claims made in writing to the division by foster parents who have suffered property damage which was caused by foster children placed in the claimant's care by the division to the extent that such damage is not covered by insurance coverage or other sources of indemnification and in no event to exceed \$500 per claim.

(2) To pay claims made in writing to the division by foster parents who have suffered personal injury to themselves or other immediate family members under their care which was caused by foster children placed in the claimant's care by the division to the extent that such damage is not covered by insurance coverage or other sources of indemnification and in no event to exceed \$1,000 per claim.

(3) To pay legal defense expenses of foster parents who are named as defendants in judicial proceedings in which liability is based in whole or in part upon the alleged negligent performance of duties or responsibilities associated with the care of a foster child placed with the defendant by the division. Only legal defense expenses shall be paid under this paragraph, and no funds shall be available for the settlement or compromise of claims or payment of judgments, provided that in no event shall more than \$10,000 be expended for the defense of any single action or group of related actions brought against a foster parent. Claims for payment of legal defense expenses shall be in writing and shall cover only expenses incurred after the claim has been approved and the attorney general has designated the legal counsel who will undertake the defense.

(c) No payment shall be made under subparagraph (b)(1) or (2) unless the division investigates the claim and the director, or the director's designee, recommends to the bureau of risk management that the claim, or some portion of the claim, be paid. If the bureau of risk management determines that the claim meets the requirements of this paragraph and is reasonable in amount, the commissioner of administrative services, or the commissioner's designee, shall authorize payment from the foster parents defense and reimbursement fund.

(d) No payment shall be made under subparagraph (b)(3) unless the division investigates the claim and the director, or the director's designee, determines the foster parent did not act intentionally, willfully or recklessly, and recommends to the bureau of risk management that the claim, or some portion of the claim, be paid. If the bureau of risk management determines that the claim meets the requirements of this paragraph, the attorney general shall be notified and shall select a qualified attorney to provide legal representation and defense to the claimant subject to the dollar limitations of subparagraph II(c), the recommendations of the bureau of risk management, and the attorney general's own experience and expertise. The commissioner of administrative services, or the commissioner's designee, shall authorize payment from the foster parents defense and reimbursement fund of such amounts as are approved by the attorney general.

(e) The director, the commissioner of administrative services, and the attorney general shall have authority to adopt rules, pursuant to RSA 541-A, for the proper implementation of their responsibilities under this paragraph.

3 Foster Parents Included as "Volunteers" for Purposes of Limited Liability. Amend RSA 508:17, V(c) to read as follows:

(c) "Volunteer" means an individual performing services for a nonprofit organization or government entity who does not receive compensation, other than reimbursement for expenses actually incurred for such services. *Foster parents licensed by the division for children, youth and families, department of health and human services, shall be considered volunteers for purposes of this chapter during such time as they actually have a duly placed foster child in their care, and the placement of such a child alone shall constitute the prior written approval required by paragraph 1.* In the case of volunteer athletic coaches or sports officials, such volunteers shall possess proper certification or validation of competence in the rules, procedures, practices, and programs of the athletic activity.

4 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill transfers the authorization to contract for liability insurance for foster parents from the director of human services to the director of children, youth, and families and expands the types of liability insurance to include comprehensive liability coverage. It also establishes the foster parents defense and reimbursement fund and includes foster parents as volunteers for purposes of limited liability.

This bill is a request of the division of children, youth, and families.

Adopted.

Report adopted and referred to Finance.

Rep. Laura Kane declared a conflict of interest and did not participate.

**HB 534-FN**, relative to the duties of the secretary of state. OUGHT TO PASS

Rep. Anthony Syracuse for Commerce, Small Business, Consumer Affairs and Economic Development: This bill corrects the unintended omission of a nonrefundable examination fee in HB 670-FN during the 1994 session. Upon passage, the Bureau of Securities Regulation will collect a \$500 nonrefundable examination fee for offers and sales that are made in accordance with a limited offering transactional exemption. Vote 13-2.

Adopted and referred to Finance.

**HB 549-FN**, crediting certain sums collected by the banking department to the department's consumer credit administration division, repealing the debt adjuster's license fund, and replacing the small loan license fund with the consumer credit administration license fund. OUGHT TO PASS

Rep. John B. Hunt for Commerce, Small Business, Consumer Affairs and Economic Development: This bill changes the Small Loan and Vehicle Finance Division of the banking department to the Consumer Credit Administration Division of the Banking Department. Vote 15-0.

Adopted and ordered to third reading.

**HB 556-FN**, regulating rate modifications for accident and health insurance policies and requiring all vendors of medical and surgical benefits contracting with the state to comply with the same financing mechanism as the approved principal vendor. OUGHT TO PASS WITH AMENDMENT

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: This legislation is a result of a long-detailed study of HMO's. The insurance commissioner's office showed no interest pro or con on this issue. The committee feels if there was dissatisfaction with this bill, it certainly would have been known. Vote 12-3.

#### Amendment (1435L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

regulating rate modifications for accident and health insurance policies.

Amend the bill by deleting section 2 and renumbering section 3 to read as 2.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect January 1, 1996.

## AMENDED ANALYSIS

This bill requires rate modifications on individual and group accident and health insurance policy forms subject to RSA 415, 419, 420, 420-A, 420-B, and 420-C to be filed with and approved by the insurance commissioner prior to implementation.

Adopted.

Report adopted and ordered to third reading.

**HB 568-FN**, relative to the sale of pharmaceutical drugs. RE-REFER TO COMMITTEE

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: The committee determined it did not have sufficient information to address this subject, but felt it is in the best interest of the citizens of this state to consider it further. Vote 13-3.

Adopted.

**HB 580-FN**, allowing the formation of and regulating limited liability partnerships and providing for registration fees. RE-REFER TO COMMITTEE

Rep. John B. Hunt for Commerce, Small Business, Consumer Affairs and Economic Development: Due to a lack of time and the numerous amendments requested by the Attorney General's office, the committee decided to work on this bill over the summer. Vote 10-6.

Adopted.

**HB 643**, allowing cruise ships, the primary purpose of which is tourism, to come into New Hampshire waters if their gambling machines are shut down. OUGHT TO PASS

Rep. Bonnie B. Packard for Commerce, Small Business, Consumer Affairs and Economic Development: This bill allows cruise ships to come into New Hampshire waters and ports for up to 48 hours, if the ships' gambling machines are not in use or capable of being used. Cruise ships are defined as: any vessel which is capable of providing overnight accommodations for 500 or more people. The majority of the committee felt that the primary focus of this bill was tourism and that it is imperative that New Hampshire aggressively seek new ways to expand its economic base through tourism development. This creates the potential for cruise ship passengers to access New Hampshire as long as the ships' gambling devices are shutdown in New Hampshire waters. Vote 13-3.

Adopted and ordered to third reading.

**HB 650-FN-A**, concerning youth access to tobacco and making an appropriation therefor. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Beverly A. Gage for the Majority of Commerce, Small Business, Consumer Affairs and Economic Development: The purpose of this bill was to guarantee that the state would continue to qualify for our federal O.D.A.P. money. The subcommittee worked long and hard to bring to the house floor a bill that will qualify us for federal funds, while also making it more difficult for minors to obtain tobacco products. The bill increases fines to the seller and gives greater enforcement powers to the local police departments and the liquor commissioner. Vote 11-5.

Rep. Keith R. Herman for the Minority of Commerce, Small Business, Consumer Affairs and Economic Development: Once again, the citizens of NH are being held hostage by the federal government. The supporters of this bill believe that \$4.5 million in federal funds is worth giving up our rights. The facts are that this bill will eliminate local control of this issue. This bill will create a new layer of bureaucracy and create more state-funded jobs. The supporters of this bill would have you believe that a potential fine of \$50.00 will prevent a business from selling cigarettes. Finally, this bill will not prevent minors from being used in enforcement and "sting" operations. Is this what we want to give up for ransom? We do not think so!

## Amendment (1508L)

Amend RSA 78:23 as inserted by section 2 of the bill by replacing it with the following:  
78:23 Distribution of Free Samples.

1. No person may distribute or offer to distribute samples in a public place. This prohibition does not apply to sampling:

(a) In an area to which minors are denied access.

(b) At a store to which a retailer's license has been issued.

(c) At factory sites, construction sites, conventions, trade shows, fairs or motorsport facilities in areas to which minors are denied access.

II. The commissioner of revenue administration shall adopt rules pursuant to RSA 541-A concerning the distribution of free samples of tobacco to prevent their distribution to minors.

Amend RSA 78:24, I as inserted by section 2 of the bill by replacing it with the following:

I. Vending machines are permitted if they are equipped with a lock-out device which prevents the machine from being operated until the person responsible for monitoring sales from the machine disables the lock. The locking device must be of a design which prevents it from being left in an unlocked condition, and which will allow only a single sale when activated. Locking devices are not required on machines located in areas to which minors are denied access.

Amend RSA 78:26, II as inserted by section 2 of the bill by replacing it with the following:

II. The prohibition on possession of tobacco products shall not be deemed to prohibit persons under the age of 18 years employed by any manufacturer, wholesaler, sub-jobber, vending machine operator, or retailer from performing the necessary handling of tobacco products during the duration of their employment.

Amend the section heading of RSA 78:27 and RSA 78:27, I as inserted by section 2 of the bill by replacing them with the following:

78:27 Posting of Signs and Licenses.

I. A person licensed to sell tobacco products under this chapter shall conspicuously post and maintain signs, at locations such as, but not limited to, cash registers where tobacco products are sold, which summarize current state law regarding tobacco sales to minors. Each license issued under RSA 78:2 shall be prominently displayed on the premises described in the license.

Amend RSA 78:28, II as inserted by section 2 of the bill by replacing it with the following:

II. All taxable tobacco products shall be sold in its original packaging bearing the Surgeon General's warning.

Amend RSA 78:30, I as inserted by section 2 of the bill by replacing it with the following:

I. The provisions of this chapter shall be enforced through periodic compliance testing conducted by the enforcing agency, the police department, or agents thereof. The licensing agency will work through its licensing system, other state agencies, retailer associations and the media to inform merchants about the law and the compliance testing program.

Amend RSA 78:31, III(c) as inserted by section 2 of the bill by replacing it with the following:

(c) Violations of RSA 78:27 shall be punishable by a fine of no more than \$50.

Amend RSA 78 as inserted by section 2 of the bill by deleting RSA 78:33 and renumbering the original RSA 78:34 to read as RSA 78:33.

Amend RSA 6:12, I(III) as inserted by section 3 of the bill by replacing it with the following:

(III) Moneys received by the liquor commission for deposit in the tobacco enforcement program fund established under RSA 78:33.

Amend RSA 169-B:32 as inserted by section 4 of the bill by replacing it with the following:

169-B:32 Limitations of Authority Conferred. This chapter shall not be construed as applying to persons 16 years of age or over who are charged with the violation of a motor vehicle law, an aeronautics law, a law relating to navigation or boats, a fish and game law, a law relating to title XIII, a law relating to fireworks under RSA 160-B, *a law relating to the sale or distribution of tobacco to a minor or the possession of tobacco by a minor under RSA 78*, or any town or municipal ordinance which provides for a penalty not exceeding \$100 plus the penalty assessment. However, if incarceration takes place at any stage in proceedings on such violations, incarceration shall be only in a juvenile facility certified by the director of the division for children, youth, and families.

Adopted.

Rep. Gage yielded to questions.

Majority report adopted and referred to Finance.

**CACR 8**, Relating to the governor's appearance before a monthly joint legislative session. Providing that the governor shall appear monthly before a joint legislative session for a one-hour question and answer period from January 1 until the end of the legislative session. INEXPEDIENT TO LEGISLATE



Rep. Natalie S. Flanagan for Constitutional and Statutory Revision: The Committee felt that the Governor is very liberal with his time for any committee or group to see him. The Governor's time is too vital and limited to lock him/her into a structured program. Vote 11-2.

Reps. McCann and Sabella spoke against.

Reps. Hilliard and Jacobson spoke against and yielded to questions.

Reps. Arnold and Holden spoke in favor.

Rep. Holden requested a roll call; sufficiently seconded. The question being the adoption of the report.

## YEAS 261 - NAYS 79

### YEAS 261

#### BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Lawton, David  
Smith, Linda  
Ziegra, Alice

Boriso, Thomas  
Hurt, George  
Lawton, Robert  
Thomas, John

Cain, Thomas  
Johnson, James  
Rice, Thomas, Jr.  
Turner, Robert

Golden, Paul  
Laflam, Robert  
Rosen, Ralph  
Wendelboe, Francine

#### CARROLL

Beach, Mildred  
Howard, Godfrey  
Patten, Betsey

Bradley, Jeb  
Kenney, Joseph  
Philbrick, Donald

Chandler, Gene  
Lyman, L. Randy

Dickinson, Howard, Jr.  
Mock, Henry

#### CHESHIRE

Avery, Stephen  
Doucette, Richard  
McNamara, Wanda  
Steere, Myron, III

Burnham, Daniel  
Feuer, Joseph  
Metzger, Katherine

Champagne, Richard  
Laurent, John  
Royce, H. Charles

Cole, Stacey  
Manning, Joseph  
Smith, Edwin

#### COOS

Coulombe, Yvonne  
Merrill, Gerald

Davis, Perley  
Pratt, Leighton

Guay, Lawrence

Horton, Lynn

#### GRAFTON

Adams, Carl  
Connolly, Steven  
LaMott, Paul  
Scanlan, David  
Williams, William, Jr.

Bean, Pamela  
Crory, Elizabeth  
Larson, Nils, Jr.  
Teschner, Douglass

Brown, Alson  
Eaton, Stephanie  
MacNeil, Allen  
Trelfa, Richard

Brown, Channing  
Hill, Richard  
Phinney, William  
Tucker, John

#### HILLSBOROUGH

Ahern, Richard  
Andrews, Frederick  
Boutin, David  
Calawa, Leon, Jr.  
Clegg, Robert, Jr.  
Dodge, Emma  
Emerton, Lawrence, Sr.  
Fields, Dennis  
Gagnon, Eugene  
Hansen, Herbert  
Holden, Carol  
Jean, Loren  
L'Heureux, Robert  
Letendre, Evelyn  
MacIntyre, Doris  
Messier, Irene  
O'Hearn, Jane

Aksten, Cheryl  
Arnold, Thomas, Jr.  
Bridgewater, Charles  
Cepaitis, Elizabeth  
Cote, Peter  
Dokmo, Cynthia  
Feng, David  
Foster, Linda  
Gibson, John  
Hart, Nick  
Holley, Sylvia  
Kelley, Robert  
LaRose, Richard  
Lozeau, Donnalee  
McCarty, Winston  
Milligan, Robert  
Packard, Bonnie

Alukonis, David  
Barry, Janet  
Brundige, Robert  
Chabot, Robert  
Daniels, Gary  
Durham, Susan  
Fenton, James  
Francoeur, Gary  
Gotham, Rita  
Healy, Daniel  
Holt, David  
Krochmal, Mark  
Lefebvre, Roland  
Luebker, Bernard  
McMahon, Donald  
Mittelman, David  
Pappas, Marc

Amidon, Eleanor  
Belvin, William  
Burke, M. Virginia  
Champagne, Norma  
Desrosiers, William  
Dykstra, Leona  
Ferguson, Charles  
Franks, Suzan  
Hallyburton, Margaret  
Herman, Keith  
Hunter, Bruce  
Kurk, Neal  
Legacy, Earl  
MacGillivray, Jeffrey  
McRae, Karen  
Morello, Michael  
Pepino, Leo

Perkins, Paul  
Sallada, Roland  
Sullens, Joan  
Wheeler, Craig  
Wright, George

Peters, Stanley  
Sargent, Maxwell  
Thulander, O. Alan  
Wheeler, Robert

Philbrook, Paula  
Showerman, Peter  
Toomey, Kathryn  
White, Donald

Riley, Frances  
Streeter, Janice  
Wells, Peter, Sr.  
Worthen, Dorothy

### MERRIMACK

Adams, Stephen  
Chandler, Earle  
Feuerstein, Martin  
Lamach, Bernard  
Nichols, Avis  
Shaw, Randall  
Whittemore, James

Barberia, Richard  
Chandler, John  
Fraser, Marilyn  
Langer, Ray  
Patenaude, Amy  
Warner, Richard  
Willis, Jack

Brown, Mary  
Crowell, Peter  
Holmes, Mary  
Lockwood, Robert  
Pfaff, Terence  
Weeks, John, Jr.

Buessing, Marjorie  
DeStefano, Stephen  
Kennedy, Richard  
Newland, Matthew  
Pitman, Mary Ellen  
Whalley, Michael

### ROCKINGHAM

Aranda, M. Kathryn  
Belanger, Ronald  
Carson, Gregory  
Coes, Betsy  
Dolan, Richard  
Flanagan, Natalie  
Gargiulo, Louis  
Henderson, Warren  
Katsakiores, Phyllis  
Kruse, Fred  
McCarthy, John, Jr.  
Nowe, Ronald  
Richards, David  
Senter, Marilyn  
Syracusa, Anthony  
Weare, Everett

Arndt, Janet  
Bishop, Franklin  
Case, Margaret  
Conroy, Janet  
Dowd, Sandra  
Flanders, David  
Gleason, John  
Hurst, Sharleene  
Kelley, Jane  
Langley, Jane  
McKinney, Betsy  
Packard, Sherman  
Ross, James  
Smith, Arthur  
Sytek, Donna  
Welch, David

Battles, Marjorie  
Boucher, William  
Christie, Andrew, Jr.  
Cote, Patricia  
Dunham, Vivian  
Flanders, John, Sr.  
Goddard, Warren  
Johnson, Robert  
Klemm, Arthur, Jr.  
Lee, Rebecca  
Moore, Benjamin  
Putnam, Ed, II  
Rubin, George  
Stone, Joseph  
Sytek, John  
Weyler, Kenneth

Beaulieu, Jon  
Camm, Kevin  
Clark, Vivian  
Dodge, Robert  
Fesh, Robert  
Gage, Beverly  
Haynes, Richard  
Katsakiores, George  
Kobel, Rudolph  
Malcolm, Ken  
Morris, Debbie  
Raynowska, Bernard  
Scanlon, Edward  
Stritch, C. Donald  
Tufts, J. Arthur  
Yennaco, Carol

### STRAFFORD

Chagnon, Ronald  
McKinley, Robert  
Sullivan, Henry  
Vincent, Francis

Douglass, Clyde  
Musler, George  
Torr, Ann  
Wall, Janet

Dunlap, Patricia  
Reynolds, Charles  
Torr, Franklin  
Wasson, Richard

Knowles, William  
Steadman, Frederick  
Torr, Ralph

### SULLIVAN

Adler, Rudolf  
Lindblade, Eric

Behrens, Thomas  
Schotanus, Merle

Flint, Gordon  
Stettenheim, Sandy

Krueger, Richard  
Whipple, Allen

### NAYS 79

### BELKNAP

None

### CARROLL

Babson, David, Jr.

Cooper, Kipp

### CHESHIRE

Kingsbury, H. Thayer  
Robertson, Timothy

McGuirk, Paul  
Russell, Ronald

Pratt, Irene  
Wollner, Robert

Riley, William

### COOS

Bradley, Paula  
Mears, Edgar

Coulombe, Henry

Hawkinson, Marie

Mayhew, Josephine

**GRAFTON**

Below, Clifton	Copenhaver, Marion	Guest, Robert	Ham, Bonnie
Lovett, Sidney	Nordgren, Sharon		

**HILLSBOROUGH**

Allen, W. Gordon	Asselin, Robert	Bergeron, Normand	Buckley, Raymond
Clemons, Jane	Cote, David	Drabinowicz, A. Theresa	Dwyer, Paul, Sr.
Haettenschwiller, Alphonse	Jean, Claudette	Kane, Laura	Kirby, Thomas
Laughlin, J. Francis	Marcinkowski, Michael	Martin, Mary	Melcher, Harold
O'Rourke, Joanne	Reidy, Frank	Soucy, Donna	Taylor, Paul
Turgeon, Roland	White, John		

**MERRIMACK**

Crosby, Toni	Daneault, Gabriel	Dunn, Miriam	Jacobson, Alf
Moore, Carol	Morrill, Olive	Owen, Derek	Rogers, Katherine
Wallner, Mary Jane	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Clark, Martha	Kane, Cecelia	Lovejoy, Marian
Lupien, James	McGovern, Cynthia	Sabella, Norma	Splaine, James
Vaughn, Charles			

**STRAFFORD**

Berube, Roger	Brown, George	Callaghan, Frank	DeChane, Marlene
Grassie, Anne	Hambrick, Patricia	Hemon, Roland	Hilliard, Dana
Loder, Suzanne	McCann, William, Jr.	Merrill, Amanda	Pelletier, Arthur
Snyder, Clair	Tessimond, Shane	Wheeler, Katherine	Williams, Howard

**SULLIVAN**

Cloutier, John	Palmer, Lorraine
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and the report was adopted.

**CACR 12**, relating to changing the minimum age requirement for governor, senator, and executive councilor from 30 to 25. Providing that no person shall be capable of being elected as governor, senator, or executive councilor who is not at least 25 years of age. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Stephen J. Adams for the Majority of Constitutional and Statutory Revision: After great discussion of the role of wisdom and life experience possessed by candidates running for governor, senator, and executive councilor and the ability to lead and make decisions, the majority of the Committee felt that the present age requirements are satisfactory and should not be altered. Vote 11-3.

Reps. James R. Splaine, Jane S. Langley, Charles W. Chandler for the Minority of Constitutional and Statutory Revision: Voters should have the right to choose candidates of their choice, regardless of age. If at 25 years of age, one can fight for this country in a time of war, he or she should be able to be a candidate on election day.

Reps. Wollner and Hilliard spoke against.

Rep. Stephen Adams spoke in favor and yielded to questions.

Rep. McCann spoke against and yielded to questions.

Rep. Holden spoke in favor.

Rep. Buckley requested a roll call; sufficiently seconded. The question being the adoption of the Majority report.

**YEAS 229 - NAYS 123****YEAS 229****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Cain, Thomas	Golden, Paul
Holbrook, Robert	Johnson, James	Lafiam, Robert	Lawton, David
Lawton, Robert	Rice, Thomas, Jr.	Rosen, Ralph	Smith, Linda
Thomas, John	Turner, Robert	Wendelboe, Francine	Ziegra, Alice

**CARROLL**

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey	Lyman, L. Randy
Patten, Betsey	Philbrick, Donald		

**CHESHIRE**

Avery, Stephen	Cole, Stacey	Feuer, Joseph	Hunt, John
Laurent, John	McNamara, Wanda	Metzger, Katherine	Pratt, Irene
Royce, H. Charles	Smith, Edwin	Steere, Myron, III	

**COOS**

Coulombe, Yvonne	Davis, Perley	Guay, Lawrence	Horton, Lynn
Merrill, Gerald	Pratt, Leighton		

**GRAFTON**

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Eaton, Stephanie	Hill, Richard	Larson, Nils, Jr.	Phinney, William
Scanlan, David	Teschner, Douglass	Trelfa, Richard	Tucker, John
Williams, William, Jr.			

**HILLSBOROUGH**

Aksten, Cheryl	Amidon, Eleanor	Andrews, Frederick	Arnold, Thomas, Jr.
Barry, Janet	Belvin, William	Bergeron, Normand	Boutin, David
Bridgewater, Charles	Burke, M. Virginia	Calawa, Leon, Jr.	Cepaitis, Elizabeth
Chabot, Robert	Champagne, Norma	Clegg, Robert, Jr.	Dodge, Emma
Dokmo, Cynthia	Durham, Susan	Dyer, Merton	Dykstra, Leona
Emerton, Lawrence, Sr.	Feng, David	Fenton, James	Ferguson, Charles
Fields, Dennis	Foster, Linda	Francoeur, Gary	Franks, Suzan
Gagnon, Eugene	Gibson, John	Gotham, Rita	Goulet, Maurice
Hansen, Herbert	Hart, Nick	Healy, Daniel	Herman, Keith
Holden, Carol	Holt, David	Hunter, Bruce	Jean, Loren
Kelley, Robert	Kirby, Thomas	Krochmal, Mark	Kurk, Neal
LaRose, Richard	Lefebvre, Roland	Legacy, Earl	Letendre, Evelyn
Luebker, Bernard	MacGillivray, Jeffrey	MacIntyre, Doris	Marcinkowski, Michael
McCarty, Winston	McMahon, Donald	McRae, Karen	Mercer, Robert
Messier, Irene	Morello, Michael	O'Hearn, Jane	Packard, Bonnie
Pappas, Marc	Pepino, Leo	Peters, Stanley	Riley, Frances
Sallada, Roland	Sargent, Maxwell	Streeter, Janice	Sullens, Joan
Thulander, O. Alan	Wells, Peter, Sr.	Wheeler, Robert	White, Donald
Worthen, Dorothy	Wright, George		

**MERRIMACK**

Adams, Stephen	Brown, Mary	Buessing, Marjorie	Chandler, Earle
Chandler, John	Crowell, Peter	Feuerstein, Martin	Fraser, Marilyn
Holmes, Mary	Jacobson, Alf	Kennedy, Richard	Lamach, Bernard
Langer, Ray	Little, Michael	Lockwood, Robert	Morrill, Olive
Nichols, Avis	Patenaude, Amy	Pfaff, Terence	Pitman, Mary Ellen
Warner, Richard	Weeks, John, Jr.	Whalley, Michael	Willis, Jack

**ROCKINGHAM**

Aranda, M. Kathryn	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Boucher, William	Camm, Kevin	Case, Margaret	Christie, Andrew, Jr.
Clark, Vivian	Coes, Betsy	Conroy, Janet	Cote, Patricia
Dodge, Robert	Dolan, Richard	Dowd, Sandra	Dunham, Vivian
Flanagan, Natalie	Flanders, David	Flanders, John, Sr.	Gage, Beverly
Gargiulo, Louis	Goddard, Warren	Haynes, Richard	Hurst, Sharleene
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.

Kobel, Rudolph  
Malcolm, Ken  
Morris, Debbie  
Putnam, Ed, II  
Rubin, George  
Stone, Joseph  
Sytek, John  
Weyler, Kenneth

Kruse, Fred  
McCarthy, John, Jr.  
Nowe, Ronald  
Raynowska, Bernard  
Scanlon, Edward  
Stritch, C. Donald  
Tufts, J. Arthur  
Yennaco, Carol

Lee, Rebecca  
McKinney, Betsy  
Noyes, Richard  
Richards, David  
Senter, Marilyn  
Syracusa, Anthony  
Weare, Everett

Lovejoy, Marian  
Moore, Benjamin  
Packard, Sherman  
Ross, James  
Smith, Arthur  
Sytek, Donna  
Welch, David

### STRAFFORD

Douglass, Clyde  
Reynolds, Charles  
Torr, Ralph

Hemon, Roland  
Spear, Barbara  
Wall, Janet

Knowles, William  
Torr, Ann  
Wasson, Richard

McKinley, Robert  
Torr, Franklin

### SULLIVAN

Adler, Rudolf  
Schotanus, Merle

Behrens, Thomas  
Scott, Robert

Krueger, Richard

Lindblade, Eric

### NAYS 123

### BELKNAP

Hurt, George

### CARROLL

Cooper, Kipp

Kenney, Joseph

Mock, Henry

### CHESHIRE

Burnham, Daniel  
Lynch, Margaret  
Robertson, Timothy

Champagne, Richard  
Manning, Joseph  
Russell, Ronald

Doucette, Richard  
McGuirk, Paul  
Wollner, Robert

Kingsbury, H. Thayer  
Riley, William

### COOS

Bradley, Paula  
Mears, Edgar

Coulombe, Henry

Hawkinson, Marie

Mayhew, Josephine

### GRAFTON

Below, Clifton  
Ham, Bonnie  
Mirski, Paul

Connolly, Steven  
LaMott, Paul  
Nordgren, Sharon

Crory, Elizabeth  
Lovett, Sidney

Guest, Robert  
MacNeil, Allen

### HILLSBOROUGH

Ahern, Richard  
Brundige, Robert  
Cote, Peter  
Dwyer, Paul, Sr.  
Jean, Claudette  
Lozeau, Donnalee  
Mittelman, David  
Reidy, Frank  
Toomey, Kathryn

Allen, W. Gordon  
Buckley, Raymond  
Daniels, Gary  
Haettenschwiller, Alphonse  
Kane, Laura  
Martin, Mary  
O'Rourke, Joanne  
Showerman, Peter  
Turgeon, Roland

Alukonis, David  
Clemons, Jane  
Desrosiers, William  
Hallyburton, Margaret  
L'Heureux, Robert  
Melcher, Harold  
Perkins, Paul  
Soucy, Donna  
Wheeler, Craig

Asselin, Robert  
Cote, David  
Drabinowicz, A. Theresa  
Holley, Sylvia  
Laughlin, J. Francis  
Milligan, Robert  
Philbrook, Paula  
Taylor, Paul  
White, John

### MERRIMACK

Barberia, Richard  
Dunn, Miriam  
Rogers, Katherine  
Whittemore, James

Crosby, Toni  
Moore, Carol  
Shaw, Randall  
Yeaton, Charles

Daneault, Gabriel  
Newland, Matthew  
Varsalone, Robert

DeStefano, Stephen  
Owen, Derek  
Wallner, Mary Jane

### ROCKINGHAM

Abbott, Dennis  
Clark, Martha

Battles, Marjorie  
Fesh, Robert

Bishop, Franklin  
Gleason, John

Carson, Gregory  
Henderson, Warren

Kane, Cecelia  
McGovern, Cynthia

Kelley, Jane  
Sabella, Norma

Langley, Jane  
Splaine, James

Lupien, James  
Vaughn, Charles

### STRAFFORD

Berube, Roger  
DeChane, Marlene  
Hilliard, Dana  
Merrill, Amanda  
Steadman, Frederick  
Wheeler, Katherine

Brown, George  
Dunlap, Patricia  
Keans, Sandra  
Musler, George  
Sullivan, Henry  
Williams, Howard

Callaghan, Frank  
Grassie, Anne  
Loder, Suzanne  
Pelletier, Arthur  
Tessimond, Shane

Chagnon, Ronald  
Hambrick, Patricia  
McCann, William, Jr.  
Snyder, Clair  
Vincent, Francis

### SULLIVAN

Cloutier, John  
Whipple, Allen

Flint, Gordon

Palmer, Lorraine

Stettenheim, Sandy

and the report was adopted.

**CACR 13**, relating to changing the highway fund to a transportation fund to comply with the Intermodal Surface Transportation Efficiency Act. Providing that highway fund moneys may be appropriated for transportation, and that revenue from common carriers shall be appropriated to the transportation fund. **INEXPEDIENT TO LEGISLATE**

Rep. Janet S. Arndt for Constitutional and Statutory Revision: This CACR is well-intentioned; however, it would dilute the money from the highway system which presently does not have enough money to adequately fund our highway needs. In great part, our economy depends on tourist dollars. Consequently, it is vital for our economy that our highway system be fully funded. Vote 11-2.

Rep. John Chandler spoke against.

Rep. Arndt spoke in favor.

Adopted.

**CACR 16**, relating to municipalities' home rule. Providing that municipalities shall have home rule authority to exercise any powers not specifically prohibited by the state or federal constitutions or any statute adopted by the legislature. **RE-REFER TO COMMITTEE**

Rep. Betsy A. Coes for Constitutional and Statutory Revision: This CACR has enormous and far-reaching implications which the Committee needs time to explore. The complexity of the issue and lack of sufficient testimony resulted in the unanimous vote. Beware! Home rule is not to be confused with local control. Vote 14-0.

Rep. Coes yielded to questions.

Adopted.

**HB 211-L**, changing the school foundation aid distribution formula. **OUGHT TO PASS WITH AMENDMENT**

Rep. William A. Riley for Education: This bill makes modifications to the Augenblick Formula according to the recommendations of a study committee. The bill passed the House once last year. A major change by amendment is the addition of the revenue from Powerball sweeps to a special fund to provide a hold-harmless provision which will insure no reduction in current aid to any city or town for two years. Vote 10-9.

### Amendment (1282L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

changing the school foundation aid distribution formula, and providing for sweepstakes powerball revenue to be used for state aid to education.

Amend the bill by replacing all after section 4 with the following:

5 New Paragraph; Department Duties Expanded. Amend RSA 198:33 by inserting after paragraph VI the following new paragraph:

VI-a. To determine weighted pupils under 198:28, IX.

6 New Section; Powerball Revenue; Distribution; State Aid to Education. Amend RSA 284 by inserting after section 21-jj the following new section:

284:21-jjj Powerball Revenue; Powerball Fund for State Aid to Education. Revenues from the sweepstakes powerball game, less expenses attributable to the administration of such game paid pursuant to RSA 284:21-j, shall be deposited into the special fund under RSA 284:21-j to be disbursed to local school districts as foundation aid under RSA 198:27-33.

7 Powerball Revenue; Powerball Fund for State Aid to Education.

I. Beginning July 1, 1995, revenues from the sweepstakes powerball game, less expenses attributable to the administration of such game paid pursuant to RSA 284:21-j, shall be deposited into a powerball fund. Such revenues shall be nonlapsing and held in the fund for the fiscal year ending June 30, 1996.

II. Beginning July 1, 1996, revenues from the sweepstakes powerball game, less expenses attributable to the administration of such game paid pursuant to RSA 284:21-j, shall be deposited into the powerball fund. The moneys in the fund shall be disbursed to local school districts as foundation aid under RSA 198:27-33, provided that no school district shall receive a smaller distribution for the fiscal years ending June 30, 1997 and June 30, 1998, than it received under RSA 284:21-j for the fiscal year ending June 30, 1996.

8 Repeal. The following are repealed:

I. RSA 198:28, V and VI, relative to definition of "state average revenue per weighted pupil" and "local revenue per weighted pupil."

II. RSA 198:33, III and IV, relative to duties of the department to calculate the state and local revenue per weighted pupil.

9 Effective Date.

I. Section 6 of this act shall take effect July 1, 1998.

II. The remainder of this act shall take effect July 1, 1995.

#### AMENDED ANALYSIS

This bill revises the foundation aid distribution formula and changes definitions and board duties accordingly. It also provides for sweepstakes powerball to be used for state aid to education beginning in fiscal year 1997.

Adopted.

On a division vote, 233 members having voted in the affirmative and 102 in the negative, the report was adopted. Referred to Finance.

Rep. Crory did not vote and intended to vote yea.

**HB 522-FN-L**, relative to withdrawal from a cooperative school district. **INEXPEDIENT TO LEGISLATE**

Rep. Robert E. McKinley for Education: The subject of this bill concerning cooperative school districts will be included in a study by the committee under House Bill 175 which is recommended to be re-referred. Vote 17-0.

Adopted.

**HB 597-FN-L**, assessing taxes on gambling winnings to fund public kindergarten. **INEXPEDIENT TO LEGISLATE**

Rep. George W. Wright for Education: The committee felt strongly that another tax at this time was not needed and there are other bills in process that address kindergarten funding including the Governor's initiative. Vote 14-2.

Reps. Richard Champagne and Wollner spoke against.

Rep. Laurent spoke in favor.

Rep. Larson spoke in favor and yielded to questions.

Rep. Russell requested a roll call; sufficiently seconded. The question being the adoption of the report.

**YEAS 275 - NAYS 76**

**YEAS 275**

**BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Lawton, David  
Smith, Linda  
Ziegler, Alice

Boriso, Thomas  
Hurt, George  
Lawton, Robert  
Thomas, John

Cain, Thomas  
Johnson, James  
Rice, Thomas, Jr.  
Turner, Robert

Golden, Paul  
Laflam, Robert  
Rosen, Ralph  
Wendelboe, Francine

**CARROLL**

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey	Kenney, Joseph
Lyman, L. Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald

**CHESHIRE**

Avery, Stephen	Cole, Stacey	DePecol, Benjamin	Feuer, Joseph
Laurent, John	Manning, Joseph	McNamara, Wanda	Metzger, Katherine
Riley, William	Royce, H. Charles	Smith, Edwin	Steere, Myron, III

**COOS**

Bradley, Paula	Coulombe, Yvonne	Davis, Perley	Guay, Lawrence
Horton, Lynn	Merrill, Gerald	Pratt, Leighton	

**GRAFTON**

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Connolly, Steven	Eaton, Stephanie	Guest, Robert	Ham, Bonnie
Hill, Richard	LaMott, Paul	Larson, Nils, Jr.	Lovett, Sidney
MacNeil, Allen	Mirski, Paul	Phinney, William	Scanlan, David
Teschner, Douglass	Trelfa, Richard	Tucker, John	Williams, William, Jr.

**HILLSBOROUGH**

Aksten, Cheryl	Alukonis, David	Amidon, Eleanor	Andrews, Frederick
Arnold, Thomas, Jr.	Barry, Janet	Belvin, William	Boutin, David
Bridgewater, Charles	Brundige, Robert	Burke, M. Virginia	Calawa, Leon, Jr.
Cepaitis, Elizabeth	Chabot, Robert	Clegg, Robert, Jr.	Cote, Peter
Daniels, Gary	Desrosiers, William	Dodge, Emma	Dokmo, Cynthia
Drabinowicz, A. Theresa	Durham, Susan	Dyer, Merton	Dykstra, Leona
Emerton, Lawrence, Sr.	Feng, David	Fenton, James	Ferguson, Charles
Fields, Dennis	Foster, Linda	Francoeur, Gary	Franks, Suzan
Gagnon, Eugene	Gibson, John	Gotham, Rita	Goulet, Maurice
Haettenschwiller, Alphonse	Hallyburton, Margaret	Hansen, Herbert	Hart, Nick
Healy, Daniel	Herman, Keith	Holden, Carol	Holley, Sylvia
Holt, David	Hunter, Bruce	Jean, Loren	Kane, Laura
Kelley, Robert	Krochmal, Mark	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Legacy, Earl	Letendre, Evelyn	Lozeau, Donnalee
Luebker, Bernard	MacGillivray, Jeffrey	MacIntyre, Doris	Marcinkowski, Michael
Martin, Mary	McCarthy, Winston	McMahon, Donald	McRae, Karen
Melcher, Harold	Mercer, Robert	Messier, Irene	Milligan, Robert
Mittelman, David	Morello, Michael	O'Hearn, Jane	Packard, Bonnie
Pappas, Marc	Pepino, Leo	Perkins, Paul	Peters, Stanley
Riley, Frances	Sallada, Roland	Sargent, Maxwell	Showerman, Peter
Streeter, Janice	Sullens, Joan	Taylor, Paul	Thulander, O. Alan
Turgeon, Roland	Wells, Peter, Sr.	Wheeler, Craig	Wheeler, Robert
White, Donald	Worthen, Dorothy	Wright, George	

**MERRIMACK**

Adams, Stephen	Barberia, Richard	Brown, Mary	Buessing, Marjorie
Chandler, Earle	Chandler, John	Crosby, Toni	Crowell, Peter
DeStefano, Stephen	Feuerstein, Martin	Hess, David	Holmes, Mary
Kennedy, Richard	Lamach, Bernard	Langer, Ray	Little, Michael
Lockwood, Robert	Moore, Carol	Morrill, Olive	Nichols, Avis
Owen, Derek	Patenaude, Amy	Plaff, Terence	Pitman, Mary Ellen
Shaw, Randall	Varsalone, Robert	Warner, Richard	Whalley, Michael
Whittemore, James	Willis, Jack		

**ROCKINGHAM**

Abbott, Dennis	Aranda, M. Kathryn	Arndt, Janet	Battles, Marjorie
Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin	Boucher, William



Camm, Kevin  
 Clark, Vivian  
 Dolan, Richard  
 Flanagan, Natalie  
 Gargiulo, Louis  
 Henderson, Warren  
 Katsakiores, Phyllis  
 Lovejoy, Marian  
 McGovern, Cynthia  
 Noyes, Richard  
 Richards, David  
 Scanlon, Edward  
 Stritch, C. Donald  
 Weare, Everett

Carson, Gregory  
 Conroy, Janet  
 Dowd, Sandra  
 Flanders, David  
 Gleason, John  
 Hurst, Sharleene  
 Klemm, Arthur, Jr.  
 Lupien, James  
 McKinney, Betsy  
 Packard, Sherman  
 Ross, James  
 Senter, Marilyn  
 Sytek, Donna  
 Welch, David

Case, Margaret  
 Cote, Patricia  
 Dunham, Vivian  
 Flanders, John, Sr.  
 Goddard, Warren  
 Johnson, Robert  
 Kobel, Rudolph  
 Malcolm, Ken  
 Morris, Debbie  
 Putnam, Ed, II  
 Rubin, George  
 Smith, Arthur  
 Sytek, John  
 Weyler, Kenneth

Christie, Andrew, Jr.  
 Dodge, Robert  
 Fesh, Robert  
 Gage, Beverly  
 Haynes, Richard  
 Katsakiores, George  
 Lee, Rebecca  
 McCarthy, John, Jr.  
 Nowe, Ronald  
 Raynowska, Bernard  
 Sabella, Norma  
 Stone, Joseph  
 Tufts, J. Arthur  
 Yennaco, Carol

### STRAFFORD

Berube, Roger  
 Hambrick, Patricia  
 Musler, George  
 Torr, Ann  
 Wasson, Richard

Brown, George  
 Hemon, Roland  
 Reynolds, Charles  
 Torr, Franklin

Douglass, Clyde  
 Keans, Sandra  
 Spear, Barbara  
 Torr, Ralph

Dunlap, Patricia  
 McKinley, Robert  
 Steadman, Frederick  
 Vincent, Francis

### SULLIVAN

Adler, Rudolf  
 Schotanus, Merle

Behrens, Thomas

Krueger, Richard

Lindblade, Eric

### NAYS 76

### BELKNAP

None

### CARROLL

Cooper, Kipp

### CHESHIRE

Burnham, Daniel  
 Lynch, Margaret  
 Russell, Ronald

Champagne, Richard  
 McGuirk, Paul  
 Wollner, Robert

Doucette, Richard  
 Pratt, Irene

Kingsbury, H. Thayer  
 Robertson, Timothy

### COOS

Coulombe, Henry

Hawkinson, Marie

Mayhew, Josephine

Mears, Edgar

### GRAFTON

Below, Clifton

Copenhaver, Marion

Crory, Elizabeth

Nordgren, Sharon

### HILLSBOROUGH

Ahern, Richard  
 Buckley, Raymond  
 Dwyer, Paul, Sr.  
 Lefebvre, Roland  
 Soucy, Donna

Allen, W. Gordon  
 Champagne, Norma  
 Jean, Claudette  
 O'Rourke, Joanne  
 Toomey, Kathryn

Asselin, Robert  
 Clemons, Jane  
 Kirby, Thomas  
 Philbrook, Paula  
 White, John

Bergeron, Normand  
 Cote, David  
 Laughlin, J. Francis  
 Reidy, Frank

### MERRIMACK

Daneault, Gabriel  
 Newland, Matthew  
 Yeaton, Charles

Dunn, Miriam  
 Rogers, Katherine

Fraser, Marilyn  
 Wallner, Mary Jane

Jacobson, Alf  
 Weeks, John, Jr.

### ROCKINGHAM

Clark, Martha  
 Langley, Jane

Coes, Betsy  
 Splaine, James

Kane, Cecelia  
 Syracuse, Anthony

Kelley, Jane  
 Vaughn, Charles

**STRAFFORD**

Callaghan, Frank  
 Hilliard, Dana  
 Merrill, Amanda  
 Tessimond, Shane

Chagnon, Ronald  
 Knowles, William  
 Pelletier, Arthur  
 Wall, Janet

DeChane, Marlene  
 Loder, Suzanne  
 Snyder, Clair  
 Wheeler, Katherine

Grassie, Anne  
 McCann, William, Jr.  
 Sullivan, Henry  
 Williams, Howard

**SULLIVAN**

Cloutier, John  
 Whipple, Allen

Flint, Gordon

Palmer, Lorraine

Stettenheim, Sandy

and the report was adopted.

Rep. Benjamin Moore did not vote and intended to vote yea.

**RECESS**

**(Rep. Cole in the Chair)**

**SPECIAL GUESTS**

The Newfound Regional High School Boys Class M Champion Basketball Team, guests of Reps. Larson and Phinney.

**RESOLUTION**

Its introduction having been approved by the Rules Committee:

Reps. Ann Torr and Buckley offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Resolution numbered 15, shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF HR****First, second reading and referral**

**HR 15**, affirming unrestricted revenue estimates for fiscal years 1996 and 1997. (C. Brown, Graf 14: Finance)

**HOUSE RESOLUTION NO. 15**

affirming unrestricted revenue estimates for fiscal years 1996 and 1997.

Whereas, the House Finance Committee has considered what the unrestricted revenue estimates should be for fiscal years 1996 and 1997 and has presented those estimates to the House of Representatives; now, therefore, be it

Resolved by the House of Representatives:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 1996 and 1997:

**GENERAL FUND**

	1996	1997
Beer	\$ 11,250,000	\$ 11,250,000
Board and care	13,700,000	13,700,000
Business enterprise tax	35,000,000	37,000,000
Business profits tax	137,000,000	142,500,000
Estate and legacy tax	33,000,000	34,600,000
Insurance	46,500,000	59,800,000
Securities	13,100,000	13,100,000
Interest and dividend tax	42,000,000	43,300,000
Liquor	64,000,000	65,500,000
Meals and rooms tax	116,000,000	119,500,000
Ski operations	6,000,000	6,000,000
Dog racing	3,100,000	3,100,000
Horse racing	2,800,000	2,800,000
Real estate transfer tax	31,500,000	32,000,000
Communications tax	34,300,000	35,700,000
Cigarette tax	44,000,000	44,000,000
Utilities	18,100,000	18,900,000
Other	42,025,000	42,650,000
Courts	19,500,000	19,500,000
Total	\$712,875,000	\$744,900,000

**MEDICAID ENHANCEMENTS**

Board and Care	\$ 45,620,000	\$ 47,409,000
Uncompensated care pool	55,000,000	59,500,000
Meals and rooms	0	0
Total	\$100,620,000	\$106,909,000
Total unrestricted revenue	\$813,495,000	\$851,809,000

**HIGHWAY FUND**

Gasoline road toll	\$102,384,000	\$104,450,000
Motor vehicle fees	56,489,000	57,724,000
Miscellaneous	6,651,000	6,741,000
Total	\$165,524,000	\$168,915,000

**FISH AND GAME FUND**

Fish and game licenses	\$ 6,262,000	\$ 6,374,000
Fines and penalties	88,000	88,000
Miscellaneous sales	352,000	352,000
Indirect costs	273,000	298,000
Total	\$ 6,975,000	\$ 7,112,000

Rep. Kurk spoke in favor and yielded to questions.

Adopted.

**LAIID ON THE TABLE**

Reps. Ann Torr and Buckley moved that **HR 15**, affirming revenue estimates for fiscal years 1996 and 1997 be laid on the table.

Adopted.

**REGULAR CALENDAR (Cont'd.)**

**HB 116-FN**, establishing a committee to study the operation and funding of the New Hampshire veterinary diagnostic laboratory and authorizing the commissioner to collect fees for drug testing of animals competing in livestock events. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald R. Philbrick for Environment and Agriculture: This bill was presented to the committee at the request of the Department of Agriculture. The committee was unanimous in its support on the study of the diagnostic lab. However, the bill was amended to delete a section concerning the collection of fees for drug testing of animals competing in livestock events. The committee could not reach agreement regarding this section. Vote 18-0.

**Amendment (1555L)**

Amend the title of the bill by replacing it with the following:

**AN ACT**

establishing a committee to study the operation and funding  
of the New Hampshire veterinary diagnostic laboratory.

Amend paragraph III of section 1 of the bill by replacing it with the following:

III. The committee shall file a report of its findings and recommendations with the governor, speaker of the house, senate president, house clerk, senate clerk, and state library on or before November 1, 1995.

Amend the bill by deleting sections 2-5 and renumbering section 6 to read as 2.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill establishes a committee to study the operation and funding of the New Hampshire veterinary diagnostic laboratory.

Adopted.

Report adopted and ordered to third reading.

**HB 119-FN**, extending the animal population control program. **OUGHT TO PASS**

Rep. Donald R. Philbrick for Environment and Agriculture: Testimony strongly recommended that the animal population control program be extended. The program is currently scheduled to be repealed in 1997. This program has demonstrated its effectiveness in the short time it has been in law. Vote 14-2.

Adopted and referred to Finance.

**HB 181-FN**, relative to the fuel oil discharge fund. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: RE-REFER TO COMMITTEE.**

Rep. Richard O. Wasson for the Majority of Environment and Agriculture: This bill, as amended, establishes a fund by assessing a fee of \$.04 per gallon on all virgin motor oil being imported into the State, the proceeds which are to be used to mitigate the cleanup of non-superfund soil-contaminated land-site areas. Vote 14-2.

Reps. Betty B. Hall and Kevin L. Camm for the Minority of Environment and Agriculture: This bill establishes a motor oil discharge cleanup fund to be funded by a \$.04 per gallon motor oil importation fee. This is a tax on everyone who uses motor oil to provide a dedicated fund to reimburse remediation of careless motor oil spills or disposal. New tax revenue sheltered in a dedicated fund is not good policy at a time of severe budget crunch. The amendment creates a whole new bill which does not have a fiscal note.

### **Amendment (1556L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

establishing the motor oil discharge cleanup fund.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Motor Oil Discharge Cleanup Fund. Amend RSA by inserting after chapter 146-E the following new chapter:

#### **146-F**

### **MOTOR OIL DISCHARGE CLEANUP FUND**

**146-F:1 Purpose.** The general court finds that discharges of motor oil and used motor oil represent a potential serious health and safety problem to the citizens of New Hampshire and a threat to the quality of the groundwaters and surface waters of the state. In addition, the cost of cleanup of motor oil and used motor oil discharges is a significant economic burden for which economic assistance is otherwise not available. The purpose of this chapter is to establish a fund to be used in addressing the costs incurred in the cleanup of motor oil and used motor oil discharges.

**146-F:2 Definitions.** In this chapter:

I. "Motor oil" means any lubricating oil classified for use in an internal combustion engine.

II. "Motor oil storage facility" means a location consisting of a system of storage tanks, pipes, pumps and appurtenant structures which is, or has been, used for the storage of motor oil or used motor oil.

**146-F:3 Fund Established; Collection.**

I. There is established a motor oil discharge cleanup fund, which shall be administered by the oil fund disbursement board established under RSA 146-D:4. This fund shall be used to reimburse costs incurred in the cleanup of motor oil and used motor oil discharges in the waters and soils of the state, including administrative, technical and legal support required by the oil fund disbursement board in administering the fund, and in paying third party damages.

II. A fee of \$.04 per gallon of motor oil shall be assessed at the time of importation into this state. Persons licensed under RSA 146-A:11-b, II shall be liable for payment of this additional fee which shall be collected and enforced by the department of safety in the manner described in RSA 146-A:11-b. The oil fund disbursement board may waive all or any portion of penalties or interest for good cause. All fee revenues shall be deposited in the motor oil discharge cleanup fund. If the fund's balance becomes greater than \$1,000,000, the assessment of fees shall be discontinued and only reestablished when the fund's balance is less than \$600,000.

III. Moneys collected for the fund shall be deposited with the state treasurer to the credit of the fund and may be invested as provided by law. Interest received on such investment shall also be credited to the fund.

IV. Within 30 days after the effective date of this paragraph, the department of environmental services shall transfer \$400,000 from the oil pollution control fund to the motor oil discharge cleanup fund. This shall be a one-time only transfer of funds for the start-up of the motor oil discharge cleanup fund. Half of the \$.04 per gallon collected for motor oil storage facilities shall be deposited in the oil pollution control fund until the \$400,000 has been returned in full.

146-F:4 Requirements for Motor Oil Storage Facilities. The fund shall be available to owners of motor oil storage facilities which are in compliance with all applicable federal and state requirements and local codes and ordinances for such facilities.

146-F:5 Eligible Expenses.

I. The fund shall be available to owners of motor oil storage facilities, and owners of land upon which motor oil storage facilities are located. The oil fund disbursement board may adopt rules for administering disbursements from the fund using the same rulemaking process and authorities established in RSA 146-D:5, I, including the development of additional eligibility criteria. Owners of motor oil storage facilities shall be liable to the fund for initial cleanup costs in the manner described in RSA 146-D:6, II.

II. Owners of facilities or land eligible under this chapter may apply for reimbursement of court-ordered damages to third parties for bodily injury or property damage, and for the costs of on-site and off-site cleanup of motor oil and used motor oil discharges in amounts not to exceed \$500,000, incurred on or after the effective date of this chapter.

III. The fund shall be deemed excess insurance over any other valid and collectible insurance for the costs of cleanup and damages to third parties. There shall be no right of recovery against the fund for payments made under other insurance.

IV. Requests for reimbursement received by the oil fund disbursement board shall be reviewed in the order in which they are received. If sufficient funds are not available the request shall be held by the board pending availability of funds.

V. Facilities which have not met the requirements of RSA 146-F:4 shall not be eligible for reimbursement until compliance with such section has been achieved.

VI. Costs of new tanks and associated piping, or repairs to existing tanks and associated piping, shall not be considered eligible costs under this chapter.

VII. The fund shall only be available for reimbursement of costs incurred for releases of motor oil discovered after the effective date of this chapter.

2 New Paragraph; Eligible Expenses. Amend RSA 146-D:6 by inserting after paragraph VII the following new paragraph:

VIII. For underground storage facilities which contain fuel oil as defined in RSA 146-E:2, II or motor oil as defined in RSA 146-F:2, I, only those facilities at which a release was discovered prior to the effective date of RSA 146-F are eligible for reimbursement from the oil discharge and disposal cleanup fund.

3 Definition Changed. Amend RSA 146-E:2, III to read as follows:

III. "On-premise-use facility" means a system of storage tanks, pipes, pumps and appurtenant structures, singly or in any combination, which is or has been used for the storage of fuel oil for on-premise-use[, and is not subject to regulation under RSA 146-C].

4 New Paragraph; On-Premise Use Facilities; Compliance. Amend RSA 146-E:4 by inserting after paragraph II the following new paragraph:

III. On-premise use facilities subject to the provisions of RSA 146-C shall comply with the provisions of New Hampshire code of administrative rules Env-Ws 411.

5 Applicability of Rules Adopted Under RSA 146-D. The oil fund disbursement board may administer disbursements from the motor oil discharge cleanup fund under its present rules adopted under RSA 146-D for granting reimbursements from the oil discharge and disposal cleanup fund, in effect as of the effective date of this section, with the exception of those rules specifically pertaining to facilities regulated under RSA 146-C, to the extent that such rules are applicable to motor oil storage facilities.

6 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a motor oil discharge cleanup fund to be funded by a \$.04 per gallon motor oil importation fee.

Adopted.

Majority report adopted and referred to Finance.

**HB 296-FN**, regarding notice provisions for additives applied to fresh produce. INEXPEDIENT TO LEGISLATE

Rep. Harold P. Melcher for Environment and Agriculture: Since HB 296-FN would add needless trouble for retailers, give no meaningful information to consumers, and might imply a serious untruth about their food, the committee felt it should be inexpedient to legislate. Vote 17-2. Adopted.

**HB 176**, relative to the disciplinary, investigative, and subpoena powers of the board of chiropractic examiners and authorizing the board to impose civil penalties. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sandy B. Stettenheim for Executive Departments and Administration: This bill is the result of further work on a house bill which was defeated last session in a committee of conference. In addition to authorizing civil fines for misconduct, the bill gives the chiropractic board defined subpoena power, presently the only licensure board without such authority. The committee found the request for authorizations justified. Vote 14-2.

#### **Amendment (1434L)**

Amend the bill by replacing section 13 with the following:

13 Effective Date. This act shall take effect July 1, 1995.

Adopted.

Report adopted and ordered to third reading.

**HB 195**, authorizing the department of safety to impose administrative fines on certain safety inspection stations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Shane E. Tessimond for Executive Departments and Administration: This bill as amended authorizes the Department of Safety to levy administrative fines upon inspection stations for specific violations. Under current law, the Department of Safety is authorized only to impose warnings or suspend inspection licenses. Under this bill, a middle ground is created which is geared towards habitual offenders while at the same time providing greater deterrents concerning inspection violations. Vote 17-1.

#### **Amendment (1512L)**

Amend the bill by replacing all after the enacting clause with the following:

1 Intent. It is the intent of the general court to provide a means for the department of safety, through the administrative rulemaking procedure, to issue warnings or levy fines or suspensions upon inspection stations in violation of any inspection law or rule. Through this procedure the department would be able to process both minor technical violations and more serious violations.

2 New Paragraph; Administrative Fines Added. Amend RSA 266:1 by inserting after paragraph X the following new paragraph:

XI.(a) The department may impose an administrative fine upon any inspection station for any violation of an inspection law or rule adopted under the provisions of this chapter. The authority to impose such a fine shall be in addition to any other remedy or penalty that may be imposed, but in no event shall the department impose both a fine and a suspension of inspection privileges in the same proceeding. The maximum amounts of the fines which may be assessed shall be as follows:

- (1) For the first violation, \$250.
- (2) For the second violation, \$500.
- (3) For the third violation, \$750.
- (4) For the fourth violation, \$1,000.
- (5) For 5 or more violations, \$2,000.

(b) No fine shall take effect unless approved by the commissioner. The commissioner shall have the authority to modify the amount of the fine assessed.

3 New Subparagraph; Rulemaking Authority Added. Amend RSA 21-P:14, II by inserting after subparagraph (aa) the following new subparagraph:

(bb) Administrative fines for inspection stations in violation of any inspection law or rule, as authorized under RSA 266:1, XI.

4 Effective Date. This act shall take effect January 1, 1996.

Adopted.

Report adopted and ordered to third reading.

**HB 217**, relative to the profession of engineering. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Robert Paul Asselin for Executive Departments and Administration: This bill, reviewed with a fine tooth comb, cleans up inconsistencies, clarifies answers to questions from those on both sides of this issue and makes the language gender neutral. In the end, the committee is very satisfied with the resulting legislation. Vote 16-0.

### **Amendment (1551L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to the profession of engineering and the boards of engineers,  
architects, land surveyors, natural scientists, and foresters.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; "Business Organization" Defined. Amend RSA 310-A:2 by inserting after paragraph I the following new paragraph:

I-a. "Business organization" means any enterprise, whether corporation, partnership, limited liability company, proprietorship, association, business trust, real estate trust or other form of organization; organized for gain or profit, carrying on any business activity within the state.

2 Definition Changed. Amend RSA 310-A:2, II to read as follows:

II. "**Professional** engineer" means a person who by reason of [his] advanced knowledge of mathematics and the physical sciences, acquired by professional education and practical [experiences] **experience**, is technically and legally qualified to practice [professional] engineering, and who is licensed by the board or otherwise authorized by this [chapter] **subdivision** to engage in the practice of engineering.

3 Definitions. Amend RSA 310-A:2, III to read as follows:

III. "**Practice of engineering**" means any professional service or creative work requiring education, training, experience, and the application of advanced knowledge of mathematics and physical sciences, involving the constant exercise of discretion and judgment, to such services or work as consultation, investigation, evaluation, planning, design, responsible [supervision] **oversight** of construction, and responsible [supervision] **oversight** of operation, in connection with any public or private utilities, structure, buildings, machines, equipment, processes, works, or projects, wherein the public welfare, or the safeguarding of life, health or property is concerned.

4 New Paragraphs; "Engineering Surveys" and "Engineer of Record" Defined. Amend RSA 310-A:2 by inserting after paragraph III the following new paragraphs:

IV. "Engineering surveys" means any surveying activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineering projects by persons licensed under this subdivision, but shall exclude the surveying of real property for the establishment of land boundaries, rights-of-way, easements, and the dependent or independent surveys or resurveys of the public land survey system.

V. "Engineer of record" means a professional engineer who seals drawings, reports or documents for a project. The seal shall acknowledge that the professional engineer prepared, coordinated, or had subordinates prepare under the direct supervision of the professional engineer, drawings, reports, or documents for a project. The engineer of record shall not be responsible for engineering work performed and sealed by other professional engineers, including independent consulting engineers who work under the coordination of the engineer of record.

5 New Sections; Purpose; Regulation. Amend RSA 310-A by inserting after section 2 the following new sections:

310-A:2-a Purpose. To safeguard life, health and property, and to promote public welfare, the practice of engineering in this state shall be regulated by the board of professional engineers, except as provided in RSA 485-A:4 and RSA 485-A:35.

310-A:2-b Jurisdiction of the Board of Professional Engineers; Regulation of Scope of Practice. No agency or subdivision of the state shall adopt any rule, regulation, standard, code, ordinance, or policy that restricts or limits the scope of practice of any licensed professional engineer, whose practice shall be within the sole jurisdiction of the board of professional engineers.

6 Board of Engineers; Establishment; Language Revised. RSA 310-A:3 is repealed and reenacted to read as follows:

310-A:3 Board of Engineers; Establishment; Criteria; Terms; Compensation and Expenses; Meetings; Records and Reports; Roster.

I. A board of professional engineers is established to administer the provisions of this subdivision. The board shall consist of 5 persons appointed by the governor and council, 4 of whom shall be professional engineers, and one public member. The public member of the board shall be a person who is not, and never was, a member of the engineering profession or the spouse of any such person, and who does not have and never has had, a material financial interest in either the provision of engineering services or an activity directly related to engineering, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.

II. Each member of the board shall be a citizen of the United States and a resident of this state. Each professional engineer member shall have actively practiced professional engineering for the chief means of livelihood for at least 10 years prior to appointment and shall have held a responsible position in charge of such work for at least 5 years prior to appointment, which may include the teaching of engineering.

III. Members shall be appointed for 5-year terms, except that no more than one appointed member's term may expire in any one calendar year. Appointments for terms of less than 5 years may be made in order to comply with this limitation. No appointed member shall be eligible to serve more than 2 full consecutive terms, provided that for this purpose only a period actually served which exceeds 1/2 of the 5-year term shall be deemed a full term. Upon expiration of a member's term, the member shall serve until a successor is qualified and appointed. The successor's term shall be 5 years from the date of expiration of the predecessor's appointment, regardless of the date of the successor's appointment. Vacancies occurring prior to the expiration of a specific term shall be filled by appointment for the unexpired term. A board member may be removed for cause by the governor and council under RSA 4:1.

IV. In addition to any moneys received under RSA 310-A:8, members of the board shall receive \$25 for each day actually engaged in the duties of their office and shall be reimbursed for all actual travel, incidental and clerical expenses necessarily incurred in carrying out the provisions of this chapter.

V. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall biennially elect a chairperson, vice-chairperson, and secretary. Three members shall constitute a quorum.

VI.(a) The board shall keep a record of its proceedings and a register of all applications for licensure, which shall show:

- (1) The name, age, and residence of each applicant.
- (2) The date of application.
- (3) The place of business of such applicant.
- (4) The applicant's educational and other qualifications.
- (5) Whether or not an examination was required.
- (6) Whether the applicant was rejected and the reasons for such rejection.
- (7) Whether a license or permit was granted.
- (8) The date of the action of the board.
- (9) Such other information as may be deemed necessary by the board.

(b) The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. Biennially, as of December 31, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board.

VII. The secretary of the board shall publish a roster listing the names and places of business of all professional engineers licensed under this subdivision by the board during February of each even-numbered year. Copies of this roster shall be mailed to each person so licensed, placed on file with the secretary of state, and furnished to the public upon request at a fee to be established by the board. The board may include in such roster any other information it deems appropriate.

7 Rulemaking; "Business Organizations" Substituted for "Corporate". Amend RSA 310-A:6, I(k) to read as follows:



(k) Application procedures for and issuance of [corporate] engineering certificates *for business organizations*;

8 New Section; Immunity From Civil Liability. Amend RSA 310-A by inserting after section 6 the following new section:

310-A:6-a Immunity From Civil Liability. No action or other legal proceedings for damages shall be instituted against the board or any member or employee of the board for any act done in good faith or for any neglect or default in the performance or exercise in good faith of any such duty or power.

9 Fees; Rulemaking Specified. RSA 310-A:7 is repealed and reenacted to read as follows: 310-A:7 Fees.

I. The board shall adopt rules under RSA 541-A which establish fees for the following:

- (a) Examination fees.
- (b) Application for licensure upon passing the examination.
- (c) Application for a certificate, temporary permit, or license under RSA 310-A:19 and 20.
- (d) Biennial renewal for licensed professional engineers.
- (e) Late reinstatement fee for a late renewal of license.
- (f) Replacement of lost or mutilated license.
- (g) Transcribing and transferring records and other services.

II. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.

10 Separate Fund Deleted; Hiring Authority Extended. Amend RSA 310-A:8 to read as follows:

310-A:8 Receipts and Disbursements. There shall be a board secretary who shall receive and account for all moneys derived under the provisions of this [chapter] *subdivision* and shall pay the same to the state treasurer [who shall keep such moneys in a separate fund to be known as the "Engineers' Fund"]. Such fund shall be kept separate and apart from all other moneys in the treasury, and shall be paid out only for purposes of this chapter. All moneys in the fund are hereby specifically appropriated for the use of the board]. The secretary of the board shall receive such salary as the board shall determine [in addition to the expenses provided for in RSA 310-A:4]. The board may employ such *investigators*, clerical and other assistants as are necessary for the proper performance of its work and may make expenditures [from this fund] for any purpose which is reasonably necessary for the proper performance of its duties under this [chapter] *subdivision*, *including the reasonable expenses of the board's delegate to meetings of, and membership dues to, the National Council of Examiners for Engineering and Surveying (NCEES). The board may, with the approval of the attorney general, hire counsel and investigators and pay the reasonable expenses of such counsel and investigators for the investigation and prosecution of any violation of this subdivision. Such compensation and reasonable expenses shall be paid from the funds of the board.* [Under no circumstances shall the total amount of payments made under this section exceed the amount of the fees collected.]

11 Licensure. Amend RSA 310-A:11 to read as follows:

310-A:11 Licensure Required. No person shall practice engineering in this state, except as permitted in RSA 310-A:19, III or RSA 310-A:27, without [an] *a professional* engineer's license issued under this [chapter] *subdivision*.

12 Accreditation Clarified. Amend the section heading of RSA 310-A:12 and RSA 310-A:12, I and II to read as follows:

310-A:12 General Requirements for Licensure as [an] *a Professional Engineer*.

I. Applicants who have *the minimum of a bachelor or science degree, or the equivalent*, from an *Accreditation Board for Engineering and Technology (ABET) or other* accredited 4-year institution in an engineering curriculum, certification as an "engineer-in-training" as a result of an 8-hour [NCEE] *NCEES* fundamentals of engineering examination and 4 years of accumulated [professional] engineering experience *under the direction of a licensed professional engineer* and satisfactory to the board may apply to sit for the professional [engineering] *engineers* examination.

II. Applicants who have *the minimum of a bachelor of science degree, or the equivalent*, from an *ABET or other* accredited 4-year institution in an engineering curriculum and more than [4] *10* years of accumulated [professional] engineering experience *under the direction of a li-*

*censed professional engineer* and satisfactory to the board may apply to sit for the professional [engineering] *engineers* examination. Such an applicant may request a waiver of the fundamentals of engineering examination.

13 Terminology Change; Gender Neutral Language Substitution. Amend RSA 310-A:16-18 to read as follows:

310-A:16 Applications. Applications for licensure or for a temporary permit shall be on forms prescribed and furnished by the board, shall contain statements made under oath, showing the applicant's education and a detailed summary of [his] *the applicant's* technical work, and shall contain not less than 5 references, of whom at least 3 shall be licensed *professional* engineers having personal knowledge of [his] *the applicant's* professional experience. The board shall establish fees for application and any examination required under this [chapter] *subdivision*. If the board denies the issuance of a license or a temporary permit to any applicant, any initial fee deposited shall be retained as an application fee.

310-A:17 Examinations. Written technical examinations in engineering shall be held at least annually at such times and places as the board shall determine. If examinations are required on fundamental subjects, the applicant shall be permitted to take this part of the examination upon completion of the requisite years of professional experience. The board may issue to each applicant, upon successfully passing the examination in fundamental subjects, a certificate stating that [he] *the applicant* has passed the examination. The scope of the technical and professional examination and the methods of procedure shall be prescribed by the board. A candidate failing an examination may apply for reexamination upon payment of an additional fee determined by the board and shall be reexamined on the next regularly scheduled examination date. A candidate failing the examination 3 consecutive times shall be required to furnish evidence of additional experience, study, or education credits acceptable to the board before being allowed to proceed with the examination.

310-A:18 Certificates; Seals. The board shall issue a license, upon payment of the registration fee established by the board, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this [chapter] *subdivision*. Licenses shall show the full name of the licensee, have a serial number, and be signed by the [chairman] *chairperson* and the secretary of the board under seal of the board. The issuance of a license by the board shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed *professional* engineer while the license remains valid. Each licensee shall upon licensure obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "Licensed *Professional* Engineer." All papers or documents involving the practice of engineering under this [chapter] *subdivision*, when issued or filed for public record, shall be dated and bear the signature and seal of the licensed *professional* engineer who prepared or had responsibility for and approved them. It shall be [unlawful] *a class B misdemeanor* for the licensee to stamp or seal any documents with [his] *such* seal after [his] *the* license *of the licensee* has expired or has been revoked, unless such license shall have been renewed or reissued.

14 Terminology Changed. Amend RSA 310-A:19, III to read as follows:

III. A person not a resident of and having no established place of business in this state who wishes to practice or to offer to practice [the profession of] engineering in this state may make application to the board for a temporary permit. A temporary permit shall be limited to practice on a specific project in this state for a period not to exceed 6 months in any one calendar year, provided such person is a licensed *professional* engineer in [his] *a* state or country where the requirements and qualifications for obtaining a certificate of licensure are substantially equivalent to or higher than those specified in this [chapter] *subdivision*.

15 "Business Organization" Inserted; "Professional" Engineer Added; Gender Neutral Language Substitution. Amend RSA 310-A:20 to read as follows:

310-A:20 [Corporate] Engineering Certificates *for Business Organizations*.

I. The practice of or offer to practice professional engineering for others by individual engineers licensed under this [chapter] *subdivision* through a [corporation] *business organization* as officers, *partners, associates*, employees, or agents [or through a partnership as partners, employees or agents] is permitted, subject to the provisions of this [chapter] *subdivision*; provided that:

(a) One or more of the corporate officers, of a corporation or one or more of [the] general partners, [of a partnership] *or associates* is designated as being responsible for the engineering activities and engineering decisions of the [corporation or partnership, respectively] *business organization*, and is a licensed engineer under this [chapter;] *subdivision*.

(b) All personnel of the [corporation or partnership] *business organization* who act in its behalf as professional engineers are licensed under this [chapter; and] *subdivision*.

(c) The [corporation or partnership] *business organization* has been issued a certificate of authorization by the board, as provided in this section.

II. The requirements of this [chapter] *subdivision* shall not affect [either a partnership or a corporation and its respective] *a business organization or its employees* in performing services for such [partnership or corporation] *business organization* or its subsidiary or affiliated [corporations] *business organizations*. All final drawings, specifications, plans, reports, or other engineering papers or documents involving the practice of engineering, when issued or filed for public record, shall be dated, and bear the signature and seal of the professional engineer who prepared them or under whose direct supervisory control they were prepared.

III. A [corporation] *business organization* desiring a certificate of authorization shall file with the board an application, using a form provided by the board, listing the names and addresses of all officers and board members [of the corporation], *general and limited partners, associates*, and [also of] any individuals duly licensed to practice engineering in this state who shall be in responsible charge of the practice of engineering in this state through the [corporation] *business organization*, and any other information required by the board. The same form, giving the same information, must accompany the annual renewal fee. If there is a change in any of these persons during the year, such change shall be designated on the same form and filed with the board within 30 days after the effective date of such change. If all requirements of this section are met, the board shall issue a certificate of authorization to such [corporation] *business organization*, and such [corporation] *business organization* shall be authorized to contract for and to collect fees for furnishing engineering services.

IV. A partnership desiring a certificate of authorization shall file with the board an application, using a form provided by the board, listing the names and addresses of all partners, both general and limited, and also of any individuals duly licensed to practice professional engineering in this state who are in responsible charge of the practice of engineering in this state through said partnership, and other information required by the board. The same form, giving the same information, must accompany the annual renewal fee. If there is a change in any of these persons during the year, such change shall be designated on the same form and filed with the board within 30 days after the effective date of such change. If all of the requirements of this section are met, the board shall issue a certificate of authorization to such partnership; and such partnership shall be authorized to contract for and to collect fees for furnishing professional engineering services.]

[V] IV. No [such corporation or partnership] *business organization* shall be relieved of responsibility for the conduct or acts of [its.] officers [or], partners, agents, *or* employees by reason of its compliance with the provisions of this section, nor shall any individual practicing [professional] engineering be relieved of responsibility for [professional] engineering services performed by reason of [his] *such individual's* employment by or relationship with such [corporation or partnership] *business organization*.

[VI] V. The secretary of state shall not issue a certificate of incorporation to an applicant for incorporation or for registration as a foreign [corporation or a foreign partnership] *business organization* which includes the words "Engineer" or "Engineering" or any modification or derivative thereof in its corporate or business name or which includes the practice of engineering among the objects for which it is established unless the board shall have issued, with respect to such applicant, a certificate of authorization or eligibility for authorization, a copy of which shall have been presented to the secretary of state. Similarly, the secretary of state, after a reasonable transition period, shall decline to register any trade name or service mark which includes such words or modifications or derivatives thereof in its firm or business name except to partnerships, sole proprietorships and associations holding certificates of registration or authorization issued under the provisions of this [chapter] *subdivision*, a copy of which shall likewise have been presented to the secretary of state.

[VII] VI. [An] *A professional* engineer who renders occasional, part-time or consulting engineering services to or for a [corporation, partnership or association] *business organization* may not, for the purposes of this [chapter] *subdivision*, be designated as being responsible for the engineering activities and decisions of such [corporation, partnership or association] *business organization*.

16 "Engineer" Renamed "Professional Engineer." Amend RSA 310-A:21 to read as follows:  
 310-A:21 License Expiration and Renewals. All licenses issued by the board shall expire on the last day of the month of the licensee's birth in the year 2 years following the year of issuance. The board shall cause notification of the impending license expiration to be sent to each licensee at least one month prior to the expiration of the license. If the renewal fee is not submitted within 12 months after the expiration date, the licensee's name shall be removed from current status, and application for reinstatement shall be required to return to current status. The board shall charge a 20 percent reinstatement fee for each month or fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee. If [an] *a professional* engineer is 70 years or older at time of renewal, and the *professional* engineer has held an engineering license continuously for the 10-year period immediately preceding the renewal, the board may waive the renewal fee in accordance with rules adopted by the board.

17 Investigations and Disciplinary Proceedings. Amend RSA 310-A:22 to read as follows:  
 310-A:22 *Investigations and Disciplinary [Action] Proceedings.*

- I. The board may undertake *investigations or* disciplinary proceedings:
  - (a) Upon its own initiative; or
  - (b) Upon [written] complaint of any person which charges that a person licensed by the board has committed misconduct under paragraph II and which specifies the grounds therefor.
- II. Misconduct sufficient to support disciplinary proceedings under this section shall include:
  - (a) The practice of fraud or deceit in procuring or attempting to procure *or renew* a certificate to practice under this [chapter:] *subdivision*.
  - (b) Conviction of a felony or any offense involving moral turpitude[;].
  - (c) [Any] Unprofessional [conduct], *unethical*, or dishonorable conduct unworthy of, and affecting the practice of[, the profession;] *engineering*.
  - (d) Unfitness or incompetency by reason of negligent habits or other causes[;], or negligent or willful acts performed in a manner inconsistent with the interests of persons relying on the expertise of the licensee[;].
  - (e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders [him] *the licensee* unfit to practice under this [chapter;] *subdivision*.
  - (f) Mental or physical incompetency to practice under this [chapter;] *subdivision*.
  - (g) Willful or repeated violation of the provisions of this [chapter; or] *subdivision*.
  - (h) Suspension or revocation of a license, similar to one issued under this [chapter] *subdivision*, in another jurisdiction and not reinstated.
  - (i) *Violations of the rules of professional conduct for professional engineers, or any other rule adopted by the board.*
  - (j) *Providing false testimony before the board.*
  - (k) *Failure to provide, within 30 calendar days of receipt of notice by certified mail, return receipt requested, information requested by the board as a result of any formal complaint to the board alleging a violation of this subdivision.*
  - (l) *Knowingly making or signing any false statement, certificate, or affidavit in connection with the practice of engineering.*

18 New Section; Investigations; Enforcement; Penalties. Amend RSA 310-A by inserting after section 22 the following new section:

310-A:22-a Investigations; Enforcement.

I. Any employee of the board engaged in making any investigation shall have the power to administer oaths to, and take depositions of, persons pertaining to any investigation. All files of an investigation in progress shall be confidential and exempt from the provisions of RSA 91-A.

II. Any person who fails to appear in response to any subpoena or to answer any question or produce any books, papers, or documents pertinent to any such investigation or hearing or who shall knowingly give false testimony in connection with an investigation or hearing shall be guilty of a class B misdemeanor.

III. Any district court within the jurisdiction of which the inquiry is carried on or within which said person resides or conducts business, upon application by the board, shall have jurisdiction to issue such person an order requiring such person to appear before the board, its members or agent, and to produce evidence, if so ordered, or to give testimony. Any failure to obey such order of the court may be punishable by court as contempt.

IV. The board is hereby authorized to apply in its own name for relief by injunction to the superior court, to enforce the provisions of this subdivision or to restrain any violation of the provisions of this subdivision. In such proceedings, it shall be unnecessary to allege or to prove that either an adequate remedy at law does not exist or that substantial or irreparable damage would result from any continued violation. The members of the board shall not be personally liable under these proceedings.

V. The actions by the board shall be binding upon applicants for licensure, engineers-in-training, and all persons licensed under this subdivision, and shall be applicable to any business organization which shall hold a certificate or registration under this subdivision.

VI. Following an investigation of any complaint relating to a violation of any provision of this subdivision by a non-registrant, and dependent on the result of such investigation, the board may present its findings to the county attorney in whose county such violation has occurred, and shall aid in the prosecution of the violation.

19 Appeals and Penalties Added; "Registered Mail" Changed to "Certified Mail; Written Complaint Requirement Deleted. Amend the section heading of RSA 310-A:23 and RSA 310-A:23, I to read as follows:

#### 310-A:23 Hearings.

I. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by [registered] *certified* mail, *return receipt requested*, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and [fairly] *appropriately pursued* [heard] by the board[, but no complaint shall be acted upon unless it is in writing. A hearing shall be held on all]. Written complaints received by the board *shall be acknowledged* within 3 months of the date *of notice to the board* [of a complaint was received by the accused, unless otherwise agreed to by the parties]. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance.

20 New Paragraphs; Right to Appear; Board Action; Appeals and Penalties. Amend RSA 310-A:23 by inserting after paragraph II the following new paragraphs:

III. At any hearing, the named person or licensee shall have the right to:

- (a) Appear in person, by counsel, or both.
- (b) Produce evidence and witnesses.
- (c) Cross-examine witnesses.

IV. If the named person fails or refuses to appear, the board may proceed to hear and determine the validity of the charges.

V. If, after such hearing, the board finds that a violation has occurred, the board may reprimand, suspend, refuse to renew, or revoke any license or authorization to practice granted under this subdivision. The board shall be authorized to file charges in its own name and demand that law enforcement officials of the state or any of its political subdivisions with proper jurisdiction prosecute to final conclusion in any court of this state.

VI. Any applicant or licensee aggrieved by an action of the board denying, suspending, refusing to renew, or revoking its license may appeal the decision in accordance with RSA 541.

VII. In addition to any other action, the board may assess all reasonable costs incurred in connection with any disciplinary proceeding, including investigations and stenographers' and attorneys' fees as a condition of probation or reinstatement.

VIII. Any disciplinary action by the board shall be published in the report of the board and shall be a public record in accordance with RSA 91-A.

21 Violations. RSA 310-A:25 is repealed and reenacted to read as follows:

#### 310-A:25 Violations.

I.(a) It shall be a class B misdemeanor for any unlicensed natural person or a felony for any unauthorized business organization to:

(1) Practice, or offer to practice, engineering in this state.

(2) Represent by any verbal statement, sign, letterhead, card, or in any other way that they are professional engineers or able to perform engineering services.

(3) Use or otherwise assume in conjunction with the personal name, or advertise any title or description tending to convey the impression that such person is a professional engineer licensed under this subdivision.

(b) It shall be a class B misdemeanor for any natural person or a felony for any unauthorized business organization to:

(1) Present or attempt to use the license or seal of another as one's own.

(2) Give any false or forged evidence of any kind to the board or to any member of the board in obtaining a license.

(3) Falsely impersonate any other licensee of like or different name.

(4) Attempt to use an expired or revoked license.

II. [It shall be the duty of all duly constituted officers of the law of this state, or any such political subdivision, to enforce the provisions of this chapter and to prosecute any persons violating same.] *The attorney general, or a designee, shall act as legal advisor to the board if the board so requests, and render such legal assistance as deemed necessary by the board in carrying out the provisions of this subdivision, provided that this responsibility shall not relieve the local prosecuting officers of any of their duties under the law. With the approval of the attorney general, the board may employ counsel and necessary assistance in carrying out the provisions of this subdivision. Reasonable compensation and expenses for counsel and legal assistance shall be paid from the funds of the board allocated for such purpose.*

22 Technical Revisions. Amend the introductory paragraph of RSA 310-A:27 to read as follows:

310-A:27 Exemptions. Nothing in this [chapter] *subdivision* shall be construed to prevent *or affect*:

23 Cross Reference Deleted. Amend RSA 310-A:27, II to read as follows:

II. The work of an employee or a subordinate of a person holding an engineering license under this [chapter] *subdivision*, [or an employee of a person practicing lawfully under paragraph I], provided such work does not include final designs or decisions and is done under the direct responsibility, checking, and supervision of a person holding an engineering license under this [chapter or a person practicing lawfully under paragraph I] *subdivision*;

24 New Paragraph; "Business Organization" Defined. Amend RSA 310-A:28 by inserting after paragraph III the following new paragraph:

IV. "Business organization" means any enterprise, whether corporation, partnership, limited liability company, proprietorship, association, business trust, real estate trust or other form of organization; organized for gain or profit, carrying on any business activity within the state.

25 Board of Architects; Establishment; Language Revised. RSA 310-A:29 is repealed and reenacted to read as follows:

310-A:29 Board of Architects; Establishment; Criteria; Terms; Compensation and Expenses; Meetings; Records and Reports; Roster.

I. A board of architects is established to administer the provisions of this subdivision. The board shall consist of 5 persons appointed by the governor and council, 4 of whom shall be architects, and one public member. The public member of the board shall be a person who is not, and never was, a member of the architectural profession or the spouse of any such person, and who does not have and never has had, a material financial interest in either the provision of architectural services or an activity directly related to architecture, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.

II. Each member of the board shall be a citizen of the United States and a resident of this state. Each architect member shall have actively practiced architecture for the chief means of livelihood for at least 10 years prior to appointment and shall have held a responsible position in charge of such work for at least 5 years prior to appointment, which may include the teaching of architecture.

III. Members shall be appointed for 5-year terms, except that no more than one appointed member's term may expire in any one calendar year. Appointments for terms of less than 5 years may be made in order to comply with this limitation. No appointed member shall be eligible to

serve more than 2 full consecutive terms, provided that for this purpose only a period actually served which exceeds 1/2 of the 5-year term shall be deemed a full term. Upon expiration of a member's term, the member shall serve until a successor is qualified and appointed. The successor's term shall be 5 years from the date of expiration of the predecessor's appointment, regardless of the date of the successor's appointment. Vacancies occurring prior to the expiration of a specific term shall be filled by appointment for the unexpired term. A board member may be removed for cause by the governor and council under RSA 4:1.

IV. In addition to any moneys received under RSA 310-A:34, members of the board shall receive \$25 for each day actually engaged in the duties of their office and shall be reimbursed for all actual travel, incidental and clerical expenses necessarily incurred in carrying out the provisions of this chapter.

V. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall biennially elect or appoint a chairperson, vice-chairperson, and secretary. Three members shall constitute a quorum.

VI.(a) The board shall keep a record of its proceedings and a register of all applications for licensure, which shall show:

- (1) The name, age, and residence of each applicant.
- (2) The date of application.
- (3) The place of business of such applicant.
- (4) The applicant's educational and other qualifications.
- (5) Whether or not an examination was required.
- (6) Whether the applicant was rejected and the reasons for such rejection.
- (7) Whether a license was granted.
- (8) The date of the action of the board.
- (9) Such other information as may be deemed necessary by the board.

(b) The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. Biennially, as of December 31, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board.

VII. The secretary of the board shall publish a roster listing the names and places of business of all architects licensed under this subdivision by the board during February of each even-numbered year. Copies of this roster shall be mailed to each person so licensed, placed on file with the secretary of state, and furnished to the public upon request at a fee to be established by the board. The board may include in such roster any other information it deems appropriate.

26 Reference to Repealed Section Removed. Amend RSA 310-A:34 to read as follows:

310-A:34 Receipts and Disbursements. There shall be a board secretary who shall receive and account for all moneys derived under the provisions of this chapter and shall pay the same to the state treasurer who shall keep such moneys in a separate fund to be known as the "Architects' Fund." Such fund shall be kept separate and apart from all other moneys in the treasury, and shall be paid out only for purposes of this chapter. All moneys in the fund are hereby specifically appropriated for the use of the board. The secretary of the board shall receive such salary as the board shall determine [in addition to the expenses provided for in RSA 310-A:30]. The board may employ such clerical and other assistants as are necessary for the proper performance of its work, and may make expenditures from this fund for any purpose which is reasonably necessary for the proper performance of its duties under this chapter. Under no circumstances shall the total amount of payments made under this section exceed the amount of the fees collected.

27 Gender Neutral Language Substitution. Amend RSA 310-A:38, II(b) to read as follows:

(b) Misstatement of facts by the applicant in connection with [his] *the* application;

28 Terminology Change; Penalty; Gender Neutral Language Substitution. Amend RSA 310-A:42-44 to read as follows:

310-A:42 Applications. Applications for licensure shall be on forms prescribed and furnished by the board, shall contain statements made under oath, showing the applicant's education and a detailed summary of [his] *the applicant's* technical work, and shall contain not less than 5

references, of whom at least 3 shall be licensed architects having personal knowledge of [his] *the applicant's* professional experience. The board shall establish fees for application and any examination required under this [chapter] *subdivision*. Should the board deny the issuance of a license to any applicant, any initial fee deposited shall be retained as an application fee.

310-A:43 Examinations. Written technical examinations in architecture shall be held at least annually at such times and places as the board shall determine. If examinations are required on fundamental subjects, the applicant shall be permitted to take this part of the examination upon completion of the requisite years of professional experience. The board may issue to each applicant, upon successfully passing the examination in fundamental subjects, a certificate stating that [he] *the applicant* has passed the examination. The scope of the technical and professional examination and the methods of procedure shall be prescribed by the board. A candidate failing an examination may apply for reexamination upon payment of an additional fee determined by the board and shall be reexamined on the next regularly scheduled examination date. A candidate failing the examination 3 consecutive times shall be required to furnish evidence of additional experience, study, or education credits acceptable to the board before being allowed to proceed with the examination.

310-A:44 Certificates; Seals. The board shall issue a license upon payment of the registration fee established by the board, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this [chapter] *subdivision*. Licenses shall show the full name of the licensee, have a serial number, and be signed by the [chairman] *chairperson* and the secretary of the board under seal of the board. The issuance of a license by the board shall be prima facie evidence that the person named [therein] *in the license* is entitled to all the rights and privileges of a licensed architect while the license remains valid. Each licensee shall upon licensure obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "Licensed Architect." All papers or documents involving the practice of a profession under this [chapter] *subdivision*, when issued or filed for public record, shall be dated and bear the signature and seal of the licensed professional who prepared or had responsibility for and approved them. It shall be [unlawful] *a class B misdemeanor* for the licensee to stamp or seal any documents with [his] *such* seal after the license of the licensee [named thereon] has expired or has been revoked, unless such license shall have been renewed or reissued.

29 Gender Neutral Language Substitution. Amend RSA 310-A:45, I to read as follows:

I. The board in its discretion may, upon application and the payment of a fee, issue an architect's license to any person who holds a National Council of Architectural Registration Board certificate, or to any person who holds an unexpired license or certificate of registration issued [to him] by any state, territory or possession of the United States, provided that the applicant's qualifications meet the requirements of this [chapter] *subdivision* and the rules established by the board.

30 Gender Neutral Language Substitution. Amend RSA 310-A:45, III to read as follows:

III. A nonresident architect seeking to render architectural services in this state, who holds an unexpired license or certificate of registration issued [to him] by the state in which [his] *such person's* principal office is located, and such other certification as the board deems necessary, shall be permitted to offer to render such architectural services in this state without first having been licensed by this state, but [he] shall not practice architecture until [he is] licensed in this state.

31 Gender Neutral Language Substitution. Amend RSA 310-A:47, II(e) to read as follows:

(e) Addition to the use of alcohol or other habit-forming drugs to a degree which renders [him] *the licensee* unfit to practice under this [chapter] *subdivision*;

32 Gender Neutral Language Substitution. Amend the introductory paragraph of RSA 310-A:50, I and RSA 310-A:50, I(a) and (b) to read as follows:

I. It shall be a *class B* misdemeanor for any natural person or a felony for any [other person] *business organization* to:

(a) Present or attempt to use the license or seal of another as [his] *one's* own;

(b) Give any false or forged evidence of any kind to the board or to any *board* member [thereof] in obtaining a license;

33 Technical Revisions. Amend the introductory paragraph of RSA 310-A:52 to read as follows:



310-A:52 Exemptions. Nothing in this [chapter] *subdivision* shall be construed to prevent *or affect*:

34 Penalty; Gender Neutral Language Substitution. Amend RSA 310-A:53, II to read as follows:

II. Except as provided in RSA 310-A:74, it shall be [unlawful] *a class B misdemeanor* for any person to practice or to offer to practice land surveying in this state, or to represent by verbal claim, sign, letterhead, card, or in any other way that [he] *such person* is a land surveyor or is able to perform land surveying services, unless the person holds a license under this [chapter] *subdivision*. Admission to practice land surveying shall be determined upon the basis of individual personal qualification.

35 Terminology Change. Amend RSA 310-A:53, IV to read as follows:

IV. The practice of or the offer to practice land surveying in this state by individual licensed land surveyors [under a proprietorship form or by a corporation or partnership] *as a business organization*, a material part of the business which includes land surveying, is permitted provided certain personnel of such entity who shall act in its behalf are licensed land surveyors under the provisions of this [chapter] *subdivision* and provided such entity has been issued a certificate of authorization by the board as provided in this [chapter] *subdivision*. Any entity issued a certificate under this section shall be required to comply with all of the provisions of this [chapter] *subdivision*.

36 New Paragraph; "Business Organization" Defined. Amend RSA 310-A:54, I-a to read as follows:

I-a. "*Business organization*" means any enterprise, whether corporation, partnership, limited liability company, proprietorship, association, business trust, real estate trust or other form of organization; organized for gain or profit, carrying on any business activity within the state.

I-b. "Certificate of authorization" means any certificate issued by the board to a [proprietorship, corporation or partnership] *business organization* to engage in the practice of land surveying.

37 Gender Neutral Language Substitution. Amend RSA 310-A:54, III to read as follows:

III. "Land surveyor-in-training" means a candidate for licensure as a land surveyor who, prior to completion of the requisite years of experience in surveying work provided in RSA 310-A:63, has met the preliminary requirements for licensure as a land surveyor, and has been issued a certificate by the board stating that [he] *such candidate* is a land surveyor-in-training.

38 Board of Land Surveyors; Establishment; Language Revised. RSA 310-A:55 is repealed and reenacted to read as follows:

310-A:55 Board of Land Surveyors; Establishment; Criteria; Terms; Compensation and Expenses; Meetings; Records and Reports; Roster.

I. A board of licensure for land surveyors is established to administer the provisions of this subdivision. The board shall consist of 5 persons appointed by the governor and council, 4 of whom shall be land surveyors, and one public member. The public member of the board shall be a person who is not, and never was, a member of the land surveying profession or the spouse of any such person, and who does not have and never has had, a material financial interest in either the provision of land surveying services or an activity directly related to land surveying, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.

II. Each member of the board shall be a citizen of the United States and a resident of this state. Each land surveyor member shall have actively practiced land surveying in New Hampshire for at least 6 years prior to appointment and shall have held a responsible position in charge of such work, which may include the teaching of land surveying.

III. Members shall be appointed for 5-year terms, except that no more than one appointed member's term may expire in any one calendar year. Appointments for terms of less than 5 years may be made in order to comply with this limitation. No appointed member shall be eligible to serve more than 2 full consecutive terms, provided that for this purpose only a period actually served which exceeds 1/2 of the 5-year term shall be deemed a full term. Upon expiration of a member's term, the member shall serve until a successor is qualified and appointed. The successor's term shall be 5 years from the date of expiration of the predecessor's appointment,

regardless of the date of the successor's appointment. Vacancies occurring prior to the expiration of a specific term shall be filled by appointment for the unexpired term. A board member may be removed for cause by the governor and council under RSA 4:1.

IV. Members of the board shall receive \$25 for each day actually engaged in the duties of the office, and shall be reimbursed for all actual traveling, incidental and clerical expenses necessarily incurred in carrying out the provisions of this subdivision.

V. The board shall hold at least 4 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall elect or appoint a chairperson, vice-chairperson, and secretary. The secretary may or may not be a member of the board. Three members shall constitute a quorum.

VI.(a) The board shall keep a record of its proceedings and a register of all applications for licensure, which shall show:

- (1) The name, age, and residence of each applicant.
- (2) The date of application.
- (3) The place of business of such applicant.
- (4) The applicant's educational and other qualifications.
- (5) Whether or not an examination was required.
- (6) Whether the applicant was rejected and the reasons for such rejection.
- (7) Whether a license was granted.
- (8) The date of the action of the board.
- (9) Such other information as may be deemed necessary by the board.

(b) The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. Biennially, as of July 31 of each even-numbered year, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board.

VII. The secretary of the board shall publish a roster listing the names, addresses, license numbers, and places of business of all land surveyors licensed under this subdivision by the board during February of each even-numbered year. Copies of this roster shall be mailed to each person so licensed, placed on file with the secretary of state, and furnished to the public upon request at a fee to be established by the board. The board may include in such roster any other information it deems appropriate.

39 Gender Neutral Language Substitution. Amend RSA 310-A:63, I to read as follows:

I. [A person.] As minimum evidence satisfactory to the board that [he] **a person** is qualified for licensure as a land surveyor, **such person** shall have a specific record of 6 years or more accumulated experience in land surveying work indicating [that he is competent] **competency** to practice land surveying and has passed a written or oral examination, or both, prescribed by the board.

40 Gender Neutral Language Substitution. Amend RSA 310-A:63, IV to read as follows:

IV. A person not a resident of and having no established place of business in this state who wishes to practice or to offer to practice the profession of land surveying in this state may make application to the board on a board form for a temporary certificate to practice, provided such person is licensed in [his own] **a** state or country in which the requirements and qualifications for obtaining a certificate of licensure are substantially equivalent to or greater than those specified in this [chapter] **subdivision**. Upon written approval of the application by the [chairman] **chairperson** and the secretary, the applicant shall be authorized to practice the profession of land surveying in this state, limited to such periods as shall be determined by the board, but not to exceed an aggregate of 30 days in one calendar year. Any portion of a day shall be counted as a whole day.

41 Gender Neutral Language Substitution. Amend RSA 310-A:65 to read as follows:

310-A:65 Application. Applications for licensure shall be on forms prescribed and furnished by the board, shall contain statements made under oath, showing the applicant's education and detailed summary of [his] **the applicant's** technical work, and shall contain not less than 5 references, of whom 3 shall be land surveyors having personal knowledge of the applicant's land surveying experience. All applications shall be accompanied by a fee established by the board.

42 Terminology Change. Amend RSA 310-A:65-a, II to read as follows:

II. As a requirement of the issuance of any certificate of authorization or any renewal of certificate to any corporation under this subdivision, [the corporation] *a business organization, other than a proprietorship or partnership*, shall file with the board an application on a form provided by the board, which specifies:

(a) The names and addresses of all officers and board members of the [corporation] *business organization*.

(b) Any person licensed under this subdivision and designated to engage in the practice of land surveying for the [corporation] *business organization*.

(c) Any other information required by the board relevant to the practice of land surveying.

43 Gender Neutral Language Substitution. Amend RSA 310-A:68 to read as follows:

310-A:68 Expiration and Renewals. All licenses issued by the board shall expire on the last day of the month of the licensee's birth in the year 2 years following the year of issuance. The secretary of the board shall notify every licensee of the date of the expiration of [his] *the* license and the amount of the fee that shall be required for its renewal for 2 years. Such notice shall be mailed at least one month in advance of the date of expiration. Renewal may be effected at any time during the month of expiration by the payment of the fee established by the board and submission of evidence satisfactory to the board showing fulfillment of continuing education requirements. The failure on the part of any licensee to renew [his] *the* license in the month of expiration as required above shall not deprive such person of the right of renewal, provided that the board shall charge a 20 percent reinstatement fee for each month or fraction of a month the renewal is late. If a licensee fails to renew [his] *such* license within the 12 months after the date of expiration [of his license], [his license] *it* shall become null and void and the licensee shall be required to reapply and to be reexamined for licensure as required in this section.

44 Terminology Change. Amend RSA 310-A:69, II to read as follows:

II. The secretary of state shall not issue a certificate of incorporation to any applicant for incorporation or for registration as a foreign [proprietorship, corporation or partnership] *business organization* which includes the words "surveyor" or "surveying" or any modification or derivative thereof in its [corporate or] business name, or which includes the practice of land surveying among the objects for which it is established, unless the board shall have issued, with respect to such applicant, a certificate of authorization or eligibility for authorization under this subdivision, a copy of which shall have been presented to the secretary of state. The secretary of state, after a reasonable transition period, shall decline to register any trade name or service mark which includes such words or modifications or derivatives thereof in its firm or business name except to [proprietorships, partnerships, or corporations] *business organizations* holding certificates of authorization issued under the provisions of this subdivision, a copy of which shall have been presented to the secretary of state.

45 Gender Neutral Language Substitution. Amend RSA 310-A:70, II(e) to read as follows:

(e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders [him] *the licensee* unfit to practice under this chapter;

46 Gender Neutral Language Substitution. Amend RSA 310-A:70, III(d) to read as follows:

(d) By requiring the person to participate in a program of continuing education in the area or areas in which [he] *the person* has been found deficient.

47 Terminology Change; Penalty; Gender Neutral Language Substitution. Amend RSA 310-A:72 to read as follows:

310-A:72 Violations and Penalties. Any person who shall practice or offer to practice land surveying in this state for others without being licensed in accordance with this [chapter] *subdivision*, or any person presenting or attempting to use as [his] *one's* own the license or the seal of another, or any person who shall give any false or forged evidence of any kind to the board or to any board member in obtaining or attempting to obtain a license, or any person who shall falsely impersonate any other licensee of like or different name, or any person who shall attempt to use an expired or non-existent or revoked license or authorization, or any person who shall violate any of the provisions of this [chapter] *subdivision* shall be guilty of a *class B* misde-

meanor if a natural person, or guilty of a felony if [any other person. It shall be the duty of all duly constituted officers of the state and all political subdivisions thereof to enforce the provisions of this chapter and to prosecute any person violating same] **a business organization.**

48 Land Surveyor Regulations; Exemptions. RSA 310-A:74, I is repealed and reenacted to read as follows:

I. The practice of land surveying principles by a licensed professional engineer which shall include those support surveying activities which may be required to aid, verify, or facilitate the sound conception, planning, design, construction, maintenance, and operation of engineering projects by persons licensed under this chapter, but shall exclude the surveying of real property for the establishment of land boundaries, right-of-ways, or easements.

49 New Paragraph; "Business Organization" Defined. Amend RSA 310-A:76 by inserting after paragraph I the following new paragraph:

I-a. "Business organization" means any enterprise, whether corporation, partnership, limited liability company, proprietorship, association, business trust, real estate trust or other form of organization; organized for gain or profit, carrying on any business activity within the state.

50 Gender Neutral Language Substitution. Amend RSA 310-A:76, II to read as follows:

II. "Certified soil scientist" means a person who, by reason of [his] special knowledge of pedological principles acquired by professional education and practical experience, as specified by RSA 310-A:84, is qualified to practice soil science, and who has been duly certified by the board.

51 Gender Neutral Language Substitution. Amend RSA 310-A:79, I to read as follows:

I. The practice of soil science by a nonresident having no established place of business in this state when such practice does not exceed, in the aggregate, more than 30 working days in any calendar year, provided such person is legally qualified to practice in [his own] **a** state or country in which the requirements and qualifications for obtaining a certificate are not lower than those specified in this subdivision. Practice for any portion of a day shall be deemed to constitute practice for an entire day.

52 Gender Neutral Language Substitution. Amend RSA 310-A:80 to read as follows:

310-A:80 Reciprocity. A nonresident of this state who is certified as a soil scientist in another state may be certified under this subdivision by filing an application with the board accompanied by a copy of [his] **such** certification in [such other] **another** state, and by paying a fee to the board, provided the applicant's qualifications meet the requirements of this subdivision and the rules adopted by the board.

53 Board of Natural Scientists; Establishment; Language Revised. Amend the section heading of RSA 310-A:81 to read as follows:

310-A:81 Board of Natural Scientists; Establishment; **Criteria; Terms; Expenses; Meetings; Records and Reports; Roster.**

54 Gender Neutral Language Substitution. Amend RSA 310-A:81, II-V to read as follows:

II. Each member of the board shall be a citizen of the United States and shall have been a resident of this state for at least 5 years immediately preceding [his] appointment. Each [of the appointed] soil scientist [members] **member** shall have actively practiced soil science for at least 6 years prior to [his] appointment and shall have held a responsible position in charge of such work for at least 2 years prior to [his] appointment, which may include the teaching of soil science.

III. Members shall be appointed for 5-year terms, except that no more than one appointed member's term may expire in any one calendar year. Appointments for terms of less than 5 years may be made in order to comply with this limitation. No appointed member shall be eligible to serve more than 2 full consecutive terms, provided that for this purpose only a period actually served which exceeds 1/2 of the 5-year term shall be deemed a full term. Upon expiration of a member's term, [he] **the member** shall serve until [his] **a** successor is qualified and appointed. The successor's term shall be 5 years from the date of expiration of [his] **the** predecessor's appointment, regardless of the date of [his] **the successor's** appointment. Vacancies occurring prior to the expiration of a specific term shall be filled by appointment for the unexpired term. A board member may be removed for cause by the governor and council under RSA 4:1.

IV. Members of the board shall be reimbursed for mileage at the state employee rate.

V. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall biennially elect or appoint a [chairman, vice-chairman] *chairperson*, *vice-chairperson*, and secretary. *Three members shall constitute* a quorum [of the board shall consist of at least 3 members].

55 Gender Neutral Language Substitution. Amend the introductory paragraph of RSA 310-A:84, I to read as follows:

I. To be eligible for certification as a soil scientist, a person shall be of high ethical professional standards, have successfully passed an examination designed to determine [his] *the person's* proficiency and qualifications to be engaged in the practice of soil science, and shall have one of the following qualifications:

56 Gender Neutral Language Substitution. Amend RSA 310-A:87 to read as follows:

310-A:87 Certificates. Certificates shall show the full name of the certified soil scientist or apprentice soil scientist, have a serial number, and be signed by the [chairman] *chairperson* and the secretary of the board under seal of the board. Each certified soil scientist shall obtain a seal of the design authorized by the board bearing the name of the certified soil scientist, the legend "Certified Soil Scientist", and a place for the certified soil scientist's signature. Plans and reports prepared by a certified soil scientist shall be stamped with the seal and signed by the certified soil scientist during the life of the certificate.

57 Gender Neutral Language Substitution. Amend RSA 310-A:89 and 90 to read as follows:

310-A:89 Certificate Renewal. Certificates may be renewed by written application prior to the expiration date and by payment of the prescribed renewal fee. The secretary shall notify each certified soil scientist or apprentice soil scientist one month prior to expiration of [his] *such* certificate.

310-A:90 Failure to Renew. Failure to remit the biennial renewal fee when due shall automatically cancel the certification. If properly renewed, a certification shall remain in effect continuously from the date of issuance, unless suspended or revoked by the board for just cause. A person whose certification is cancelled for such failure may reinstate [his] *such* certification by paying, within one year of cancellation, all fees due, plus a late fee as established by the board.

58 Gender Neutral Language Substitution. Amend RSA 310-A:93, III(d) to read as follows:

(d) By requiring the person to participate in a program of continuing education in the area or areas in which [he] *the person* has been found deficient.

59 "Business Organization" and "Class B" Misdemeanor Inserted. Amend RSA 310-A:95 to read as follows:

310-A:95 Violations; [Penalty] *Penalties*. Any person who practices or offers to practice soil science in this state for others without a certificate in accordance with this subdivision, or any person presenting or attempting to use the certificate or seal of another, or any person who gives any false or forged evidence of any kind to the board or to any board member in obtaining or attempting to obtain a certificate, or any person who falsely impersonates any other certified soil scientist, or any person who attempts to use an expired or nonexistent or revoked certificate or authorization, or any person who violates any of the provisions of this subdivision, shall be guilty of a *class B* misdemeanor if a natural person, or guilty of a felony if [any other person] *a business organization*.

60 Gender Neutral Language Substitution. Amend RSA 310-A:98, IV to read as follows:

IV. Nothing in this section shall be construed as requiring any person to be licensed under this subdivision if that person is engaged in activities incidental to the practice of forestry as defined in RSA 310-A:99, III, provided, however, that such person does not represent [himself as] *that the person is* a forester as defined in RSA 310-A:99, I. Such incidental activities shall include: timber harvesting, agriculture, wildlife management, land use planning, arboriculture, procurement of forest resources to supply concerns dependent on those forest resources, and any other activity or occupation determined by the board to be incidental to the practice of forestry.

61 New Paragraph; "Business Organization" Defined. Amend RSA 310-A:99, I to read as follows:

I. "*Business organization*" means any enterprise, whether corporation, partnership, limited liability company, proprietorship, association, business trust, real estate trust or other form of organization; organized for gain or profit, carrying on any business activity within the state.

**I-a.** "Forester" means a person who practices forestry and is licensed under this subdivision, or a person specifically exempted from licensure under RSA 310-A:98, II.

62 Board of Foresters; Establishment; Language Revised. RSA 310-A:100 is repealed and reenacted to read as follows:

310-A:100 Board of Foresters; Establishment; Expenses.

I. A board of licensing for foresters is established to administer the provisions of this subdivision. The board shall consist of 7 persons appointed by the governor and council, 4 of whom shall be foresters as defined in RSA 310-A:99, I, and 3 public members. Of the forester members, one shall be the director, division of forests and lands, one shall be a industrial forester, one shall be a private forester, and one shall be a forester from the public sector. A public member of the board shall be a person who is not, and never was, a member of the forestry profession or the spouse of any such person, and who does not have and never has had, a material financial interest in either the provision of forestry services or an activity directly related to forestry. Two of the public members shall be forest landowners actively engaged in forest management, but not otherwise connected with the forestry profession.

II. Each member of the board shall be a citizen of the United States and shall have been a resident of this state for at least 5 years prior to appointment. Each forestry member shall have actively practiced forestry for at least 6 years prior to appointment and shall have held a responsible position in charge of such work for at least 2 years prior to appointment, which may include the teaching of forestry at a recognized college or university.

III. Members shall be appointed for 5-year terms, except that no more than one appointed member's term may expire in any one calendar year. Appointments for terms of less than 5 years may be made in order to comply with this limitation. No appointed member shall be eligible to serve more than 2 full consecutive terms, provided that for this purpose only a period actually served which exceeds 1/2 of the 5-year term shall be deemed a full term. Upon expiration of a member's term, the member shall serve until a successor is qualified and appointed. The successor's term shall be 5 years from the date of expiration of the predecessor's appointment, regardless of the date of the successor's appointment. Vacancies occurring prior to the expiration of a specific term shall be filled by appointment for the unexpired term. A board member may be removed for cause by the governor and council under RSA 4:1.

IV. Members of the board shall be reimbursed for mileage at the state employee rate.

V. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall biennially elect or appoint a chairperson, vice-chairperson, and secretary. Four members shall constitute a quorum.

VI.(a) The board shall adopt an official seal.

(b) The board shall keep a true record of its proceedings and a register of all applications for licensure, which shall show:

- (1) The name, age, and residence of each applicant.
- (2) The date of application.
- (3) The place of business of such applicant.
- (4) The applicant's educational and other qualifications.
- (5) Whether or not an examination was required.
- (6) Whether the applicant was rejected and the reasons for such rejection.
- (7) Whether a license was granted.
- (8) The date of the action of the board.
- (9) Such other information as may be deemed necessary by the board.

(c) The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. Biennially, as of December 31 of each even-numbered year, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board.

VII. The secretary of the board shall publish a roster listing the names and places of business of all foresters licensed under this subdivision by the board secretary during February of

each even-numbered year. Copies of this roster shall be mailed to each licensed forester upon request, placed on file with the secretary of state, and furnished to the public upon request at a fee to be established by the board.

63 Gender Neutral Language Substitution. Amend RSA 310-A:105 to read as follows:

310-A:105 Applications; Fees. Applications for licensing shall be made on forms prescribed and furnished by the board, and shall contain statements made under oath as to citizenship, residence, the applicant's education, a detailed summary of [his] *the applicant's* technical experience, and shall contain the names of not less than 5 references, 3 or more of whom shall be individuals having personal or professional knowledge of [his] *the applicant's* forestry experience. The fee for a license as a forester shall be fixed by the board. One-half of the fee shall accompany the application, the balance to be paid before the issuance of the license. Should the applicant fail to remit the remaining balance within 30 days after being notified by [registered] *certified* mail, *return receipt requested*, that [his] *the* application has been accepted, the applicant shall forfeit the right to have [a] *the* license [so] issued and [said] *the* applicant may be required to again submit an original application and pay an original fee on such application. Should the board deny the issuance of a license to any applicant, the fee deposited shall be retained by the board as an application fee.

64 Penalty; Gender Neutral Language Substitution. Amend RSA 310-A:107 to read as follows:

310-A:107 Issuance of License; Endorsement of Documents. The board shall issue a license upon payment of the fee as provided in this subdivision to any applicant, who, in the opinion of the board, has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the licensee, shall have a serial number, and shall be signed by the [chairman] *chairperson* and secretary under the seal of the board. The issuance of a license by the board shall be evidence that the person named in the license is entitled to all rights and privileges of a licensed forester while such license remains unrevoked or unexpired. Plans, maps, and reports issued by the licensee shall be endorsed with [his] *the licensee's* name and license number during the life of the license. It shall be a *class B* misdemeanor for anyone to endorse any document with such name and license number after the license of the named licensee has expired or has been revoked, unless said license has been renewed or reissued. It shall be a *class B* misdemeanor for any licensed forester to endorse any plan, map or report unless [he] *the licensed forester* shall have actually prepared such plan, map or report, or shall have been in the actual charge of the preparation of the same.

65 Gender Neutral Language Substitution. Amend RSA 310-A:109 and 110 to read as follows:

310-A:109 License Renewal. Licenses may be renewed by written application prior to the expiration date and by payment of the prescribed renewal fee. The secretary shall notify each forester one month prior to expiration of [his] *such* certificate. The applicant shall submit proof of completion of 20 hours of continuing education approved by the board at the time of license renewal, together with a record of any legal action brought against the applicant for [his] services as a forester.

310-A:110 Failure to Renew. Failure to remit the biennial renewal fee when due or failure to submit proof of required continuing education shall automatically cancel the license. If properly renewed, a license shall remain in effect continuously from the date of issuance, unless suspended or revoked by the board for just cause. A person whose license is cancelled for such failure may reinstate [his] *such* license by paying, within one year of cancellation, all fees due, plus a late fee as established by the board, provided continuing education requirements have been met.

66 Gender Neutral Language Substitution. Amend RSA 310-A:112, III(d) to read as follows:

(d) By requiring the person to participate in a program of continuing education in the area or areas in which [he] *the person* has been found deficient.

67 "Class B" Misdemeanor Inserted. Amend RSA 310-A:114 to read as follows:

310-A:114 Violations; Penalty. Any person who practices or offers to practice forestry in this state for others without a license in accordance with this subdivision, or any person presenting or attempting to use the license or seal of another, or any person who gives any false or forged evidence of any kind to the board or to any board member in obtaining or attempting to obtain

a license, or any person who falsely impersonates any other licensed forester, or any person who attempts to use an expired or nonexistent or revoked license, or any person who violates any of the provisions of this subdivision, shall be guilty of a *class B* misdemeanor if a natural person, or guilty of a felony if any other person.

68 "Business Organization" Substituted for Proprietorship, Corporation, Partnership, et al. Amend the following RSA provisions by replacing "proprietorship, corporation, or partnership," "corporation," "corporations, partnerships, and associations," "sole proprietorship, partnership or corporation" and "firm, partnership, company, corporation" with "business organization": introductory paragraph of 310-A:65-a; 310-A:65-a, IV; 310-A:69-a; 310-A:78 and 310-A:98, II.

69 Change "Unlawful" to "Class B Misdemeanor." Amend the following RSA provisions by replacing "unlawful" with "a class B misdemeanor": RSA 310-A:67, II and 310-A:98, I.

70 Change "Registered Mail" to "Certified Mail, Return Receipt Requested". Amend the following RSA provisions by replacing "registered mail" with "certified mail, return receipt requested": RSA 310-A:48, I; 310-A:71; 310-A:94; and 310-A:113.

71 Change "Chapter" to "Subdivision. Amend the following RSA provisions by replacing "chapter" with "subdivision": RSA 310-A:6, I(a); 310-A:6, I(d)-(g); 310-A:28, I; 310-A:32, I(a); 310-A:32, I(d)-(g); 310-A:33; 310-A:34; 310-A:37; 310-A:38, II(c); 310-A:47, II(a); 310-A:47, II(f)-(h); 310-A:50, I(f); 310-A:58, I and II; 310-A:58, IV-VI; 310-A:58, VII; 310-A:58, IX; 310-A:61; 310-A:63, III; 310-A:70, II(a); 310-A:70, II(f)-(h); introductory paragraph of 310-A:74; and 310-A:74, II.

72 Change From "Engineer" to "Professional Engineer." Amend the following RSA provisions by inserting the term "professional" preceding the term "engineer" or "engineer's" or "engineers": the chapter title of RSA 310-A; 310-A:1; the subdivision heading preceding RSA 310-A:2; 310-A:2, I; 310-A:6, I(p); 310-A:18-a; 310-A:26; and 310-A:97.

73 Change From "Professional Engineering" to "Engineering." Amend the following RSA provisions by substituting the term "engineering" for the term "professional engineering": RSA 310-A:6, I(l); 310-A:12, III; 310-A:27, III; and 310-A:53, III.

74 Repeals. The following are repealed:

- I. RSA 310-A:4, relative to compensation and expenses of the board of engineers.
- II. RSA 310-A:5, relative to organization and meetings of the board of engineers.
- III. RSA 310-A:6, II, relative to consulting with joint board when adopting rules.
- IV. RSA 310-A:9, relative to records and reports of the board of engineers.
- V. RSA 310-A:10, relative to the roster provided by the board of engineers.
- VI. RSA 310-A:30, relative to compensation and expenses of the board of architects.
- VII. RSA 310-A:31, relative to organization and meetings of the board of architects.
- VIII. RSA 310-A:35, relative to records and reports of the board of architects.
- IX. RSA 310-A:36, relative to the roster provided by the board of architects.
- X. RSA 310-A:50, II, relative to enforcement and prosecution of this chapter by law enforcement officers.
- XI. RSA 310-A:56, relative to compensation and expenses of the board of licensure for land surveyors.
- XII. RSA 310-A:57, relative to organization and meetings of the board of licensure for land surveyors.
- XIII. RSA 310-A:62, relative to the report and roster of the board of licensure for land surveyors.

75 Effective Date. This act shall take effect January 1, 1996.

## AMENDED ANALYSIS

This bill:

- I. Changes the name of "board of engineers" to the "board of professional engineers" and sets forth the purpose, jurisdiction, powers, and duties of the board.
- II. Redefines the term "engineer" as "professional engineer" throughout RSA 310-A, and redefines the term "professional engineering" as "engineering" in specified sections.
- III. Authorizes the board to enforce professional requirements, make investigations, and take appropriate disciplinary action.
- IV. Provides a civil liability immunity clause for board members or employees.



V. Clarifies licensure, accreditation, and rulemaking authority regarding fees, and expands those acts which constitute misconduct.

VI. Sets forth the procedure relative to hearings and appeals.

VII. Authorizes the board to hire investigators and other personnel necessary to perform the duties required under this bill. The board may also hire counsel and investigators upon the advice of the attorney general to investigate and prosecute violations.

VIII. Defines the term "business organization" and replaces the list of business entities with the term "business organizations" throughout the chapter.

IX. Revises the provisions which establish the 5 professional boards to provide continuity.

X. Changes "chapter" to "subdivision" throughout the chapter.

XI. Changes "unlawful" and "misdemeanor" to "class B misdemeanor" throughout the chapter.

XII. Changes "registered mail" to "certified mail, return receipt requested" throughout chapter.

XIII. Repeals numerous provisions relative to the professional boards.

The remainder of this bill amends certain RSA provisions making them gender neutral and consistent with other sections amended by the bill in accordance with RSA 17-A:6 relative to gender neutral drafting.

Adopted.

Report adopted and ordered to third reading.

Rep. Arnold declared a conflict of interest and did not participate.

**HB 263**, relative to the board of registration in medicine. **OUGHT TO PASS WITH AMENDMENT**

Rep. Miriam D. Dunn for Executive Departments and Administration: This bill requested by the Board of Registration in Medicine is the result of cooperation and compromise by the board sponsors and ED&A subcommittee work. The board's name is changed to Board of Medicine, one public member is added, and administrative attachment to the Division of Public Health is retained. Duties of the board are reorganized. The amendment lists in the analysis key changes which were reconciled by the subcommittee with the involvement of all parties concerned. Vote 13-1.

#### Amendment (1561L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to the board of registration in medicine and making  
an appropriation for clerical support.

Amend the bill by replacing section 2 with the following:

2 Board Duties Revised. RSA 329:2, II is repealed and reenacted to read as follows:

II. The board shall:

(a) Examine and investigate persons who apply for the authority to practice medicine in New Hampshire and license those who are found qualified under the standards of this chapter.

(b) Investigate and examine existing licensees and commence disciplinary action concerning licensees in accordance with the standards of this chapter.

(c) Investigate and prepare reports on any matter within the scope of this chapter.

(d) Assess, compromise, and collect civil penalties against persons engaged in the unauthorized practice of medicine or other violations of this chapter.

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-25 to read as 4-26, respectively:

3 New Paragraph; Board Authority; Establishment of Concord Office; Hiring of Administrator, Investigators, and Technical and Clerical Staff. Amend RSA 329:2 by inserting after paragraph III the following new paragraph:

IV. The board shall establish an office in Concord, and shall have authority to retain an administrator and investigators and other technical and clerical staff to run the board's business in an efficient manner.

Amend the bill by replacing section 4 with the following:

4 Expense Provision Added to Compensation Provision. Amend RSA 329:5 to read as follows:

329:5 Compensation; Expenses. The members of the board [may] *and members of the medical review subcommittee shall* receive a per diem of \$100 for meetings [and examinations. Said

board shall receive no compensation in excess of the fees received] **or any other board activity requiring 2 or more hours in a 24-hour period**, and shall [be of no expense to the state beyond such amount. Members of the medical review subcommittee of the board may receive a per diem of \$100 for meetings] **be reimbursed for travel expenses incurred in connection with the work of the board.**

Amend the bill by replacing section 5 with the following:

5 Administrator to Keep Records; Technical Revisions. Amend RSA 329:7-8 to read as follows:

329:8 Records. A true record of all [their] **of the board's** official acts shall be made and preserved by the [executive secretary] **administrator**. The records shall be public and shall be open to inspection at all reasonable times, except for records compiled in connection with disciplinary [proceedings which are subject to RSA 329:18] **investigations** and records otherwise exempt from disclosure under RSA 91-A, **RSA 329:18**, or other applicable statutes.

Amend RSA 329:12, I as inserted by section 11 of the bill by replacing it with the following:

I. Applicants for licensure shall:

- (a) Pay a fee established by the board.
- (b) Submit an application in a form prescribed by the board which shall be verified by oath.
- (c) Demonstrate to the reasonable satisfaction of the board that the applicant:

- (1) Is 21 years of age or older;

- (2) Is of good professional character;

- (3) Has completed at least 2 years of college course work or its equivalent.

- (4) Has studied the treatment of human ailments in a medical school maintaining at the time of such studies a standard satisfactory to the Accreditation Council for Medical Education and has graduated from such school;

- (5) Has completed at least 2 years of postgraduate training approved by the Accreditation Council on Graduate Medical Education, or its equivalent as determined by the board. Each applicant who has graduated from an accredited medical school prior to January 1, 1970, is required to have satisfactorily completed at least 12 months in a graduate educational program approved by the Accreditation Council on Graduate Medical Education, the Canadian Medical Association, or the Royal College of Physicians and Surgeons of Canada.

- (6) Has successfully passed one of the following sets of examination:

- (A) National Board Examinations.

- (B) Federation Licensing Examination (FLEX).

- (C) United States Medical Licensing Examination (USMLE).

- (D) Medical Council of Canada Examination (LMCC).

Amend the bill by replacing section 13 with the following:

13 New Paragraphs; Special and Courtesy Licenses. Amend RSA 329:14 by inserting after paragraph V the following new paragraphs:

VI. The board may issue special licenses containing conditions, limitations or restrictions, including licenses limited to specific periods of time in accordance with rules adopted under RSA 329:9, VIII.

VII. The board may issue courtesy licenses authorizing the practice of medicine under limited conditions as defined by the board by rule. Courtesy licenses shall not exceed 100 days and shall be limited in location. All applicants shall hold an active, unrestricted license in another state and meet the same character qualifications as other licensees.

Amend the bill by replacing section 14 with the following:

14 Board Option to Require Evidence of Successful Practice as Condition for Renewal Deleted. Amend RSA 329:16-a to read as follows:

329:16-a Renewal. Every person licensed to practice under this chapter, except as provided in [RSA 329:16-b and] RSA 329:16-c, shall apply to the board for annual renewal of license on forms provided by the board and shall pay a renewal fee as established by the board. [The board may require evidence that the applicant has actually practiced within the state during the previous year, as a condition for renewal.]

Amend RSA 329:16-c as inserted by section 15 of the bill by replacing it with the following:

329:16-c Inactive [List] **Status**. A person licensed by the board who does not intend to engage in [the practice of his] **such licensed** profession in this state, upon written request to the

board, may have [his] *one's* name transferred to [an] inactive [list] *status* and shall not be required to renew [his] *such* license or pay any renewal fee as long as [he] *the person* remains inactive. [Any person whose name has been included in the inactive list may be restored to active status by the board upon the filing of a written request for renewal of license, accompanied by the renewal fee as established by the board, and proof of satisfaction of continuing medical education requirements established by RSA 329:16-g, and such other evidence of professional competence as the board may reasonably require.]

Amend RSA 329:16-e and RSA 329:16-f as inserted by section 15 of the bill by replacing them with the following:

329:16-e Neglect to Renew. *Any licensee who fails to file an application for renewal by June 30 shall be required to pay double the renewal fee.* Any failure, neglect or refusal on the part of any person licensed by the board to renew [his] *the* license as provided in RSA 329:16-a shall automatically lapse [his] *such* license. Licenses lapsed under this section shall not be restored except upon payment of a restoration fee as established [in RSA 329:16-d] *by the board*, and a showing of such evidence of professional competence as the board may reasonably require.

329:16-f Change of Address. All licensees shall [report changes of business address to the board, forthwith] *maintain their current business address on file with the board, or if licensees have no business address, their current home address shall be provided. Any changes in the address, including the closing of an office shall be promptly provided to the board or, in any event, no later than 30 days from the date of the change.*

Amend RSA 329:17, III-a and IV as inserted by section 17 of the bill by replacing them with the following:

III-a. The board shall conduct an investigation of any person licensed by the board who has [been the subject of] *had* 3 reservable claims, written complaints, or [of] actions for medical injury, as defined by [paragraphs] *paragraph* I, II, [and] *or* III, or any combination thereof, which pertain to 3 different acts or events within any consecutive 5-year period [commencing with January 1, 1987].

IV. Every licensed hospital, *clinic, or other health care facility* within the state shall report to the board any disciplinary *or adverse* action, *including situations in which allegations of misconduct are settled by voluntary resignation without adverse action*, against a person licensed by the board [which involves loss of privilege other than for administrative reasons] within 30 days after such [disciplinary] action is taken.

Amend the bill by inserting after section 19 the following and renumbering sections 20-26 to read as 21-27, respectively:

19 Information Not Subject to Public Disclosure Provisions. Amend RSA 329:18, I to read as follows:

I. The board may investigate possible misconduct by licensees and applicants for licensure, as well as the unauthorized practice of medicine and other matters within the scope of this chapter. Investigations may be conducted formally, after issuance of a board order setting forth the general scope of the investigation, or informally, without such an order. In either case, board investigations and the information gathered in such investigations, *including information provided to the board under RSA 329:17, I(b), III, IV and V and RSA 329:18, V*, shall be exempt from the public disclosure provisions of RSA 91-A, except to the extent such information may later become the subject of a public disciplinary hearing. The board may disclose information acquired in an investigation to law enforcement or health licensing agencies in this state or any other jurisdiction, or in response to specific statutory requirements or court orders.

Amend RSA 329:18, V as inserted by section 21 of the bill by replacing it with the following:

V. The board may at any time subpoena medical [records and], pharmacy, *or billing* records *related to medical diagnosis or treatment* from its licensees [and from hospitals and], *or* other health care providers, *health care facilities, health insurance companies, health maintenance organizations, and medical and hospital service corporations* licensed or certified in this state *to the extent that the records sought are relevant to matters within the board's regulatory authority.* Such subpoenas shall be served by certified mail or by personal delivery to the address shown on the respondent's current license or certificate, and shall require no witness or other fee. A minimum of 15 days' advance notice shall be allowed for complying with a subpoena duces tecum issued under this paragraph.

Amend the bill by replacing section 22 with the following:

22 Reference Deleted. Amend RSA 329:21, XIII to read as follows:

XIII. [Notwithstanding any provisions of paragraph XII to the contrary,] No physician's assistants or other paramedical personnel shall engage in the practice of optometry as defined in RSA 327:1 or perform any service rendered by an optician.

Amend the bill by replacing section 24 with the following:

24 References Changed. Amend RSA 329:26 to read as follows:

329:26 Confidential Communications. The confidential relations and communications between a physician or surgeon licensed under provisions of this chapter and [his] *the patient of such physician or surgeon* are placed on the same basis as those provided by law between attorney and client, and, except as otherwise provided by law, no such physician or surgeon shall be required to disclose such privileged communications. Confidential relations and communications between a patient and any person working under the supervision of a physician or surgeon that are customary and necessary for diagnosis and treatment are privileged to the same extent as though those relations or communications were with such supervising physician or surgeon. This section shall not apply to [disciplinary proceedings] *investigations and hearings* conducted by the board of [registration in] medicine under RSA 329:17, the board of nursing [education and nurse registration] under RSA 326-B:12, the board of examiners of nursing home administrators under RSA 151-A:11, or], any other statutorily created [medical] *health* occupational licensing *or certifying* board conducting *licensing, certifying, or* disciplinary proceedings[. This section shall not apply to] *or* hearings conducted pursuant to RSA 135-C:27-54.

Amend the bill by replacing section 25 with the following:

25 Reference Deleted. Amend RSA 318-B:10, V to read as follows:

V. A paramedic who has been approved [and certified by the board of registration in medicine] as an advanced emergency medical care provider may possess, for emergency use only, such prescription drugs as are agreed upon jointly by the state board of [registration in] medicine and the pharmacy board. The paramedic may administer such prescription drugs upon receipt directly or by telephone or by radio or by other communication medium of directions to do so from the supervising physician or advanced registered nurse practitioner, practicing within such nurse practitioner's specialty.

Amend the bill by inserting after section 25 the following and renumbering sections 26 and 27 to read as 27 and 28, respectively:

26 Board Name Changed. Amend the following RSA provisions by replacing "board of registration in medicine" with "board of medicine": RSA 125:25; 315:2-a; 315:10, IV(d); 318:9-a; 318:42, X; 318-B:10, V; 326-B:10-a, I and II; 326-B:32, VI; 326-C:1, I and II; 326-E:1, II, 326-G:1, II; 328-A:1, I; 328-D:1, II; and 328-E:16, I(c); 329:2, I; 329:10, II; 329:17, V-a and V-b; 329:18, IV(d); 329:29; and 330-A:18, IV.

Amend the bill by inserting after section 26 the following and renumbering sections 27 and 28 to read as 28 and 29, respectively.

27 Authority to Hire; Appropriation.

I. The board of registration in medicine is authorized to hire one clerical person at labor grade 10 for the medical review subcommittee, as of the effective date of this section.

II. In addition to any other funds appropriated, the sum of \$20,000 is hereby appropriated to the board for the purposes of paragraph I. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

Amend the bill by replacing section 29 with the following:

29 Effective Date. This act shall take effect January 1, 1996.

### AMENDED ANALYSIS

This bill:

I. Adds one public member to the board.

II. Revises provisions relative to the duties of the board.

III. Authorizes the board to establish an office in Concord and retain an administrator, investigators, and other technical and clerical staff.

IV. Removes board rulemaking authority relative to paramedical personnel.

V. Adds board rulemaking authority relative to athletic trainers.

- VI. Revises examination requirements.
- VII. Revises provisions relative to American graduates of foreign medical schools.
- VIII. Deletes the board's option to require evidence of successful practice within the previous year for renewal of license.
- IX. Provides that medical review subcommittee members shall serve no more than 2 terms.
- X. Provides for the board to issue nondisciplinary letters of concern.
- XI. Repeals various provisions.
- XII. Makes an appropriation for and authorizes the board to hire one person for clerical support to the medical review subcommittee.
- XIII. Changes the name of the board from "board of registration in medicine" to "board of medicine."

This bill was requested by the board of registration in medicine.

Adopted.

Rep. Donna Sytek yielded to questions.

Report adopted and referred to Finance.

**HB 489-FN**, relative to licensing dietitians and allowing the board of registration in medicine to establish certain fees. **INEXPEDIENT TO LEGISLATE**

Rep. John J. Sytek for Executive Departments and Administration: Licensure is the highest form of state regulation of a profession and confers the exclusive right to practice, i.e., a monopoly. For that reason, our committee carefully evaluates a request to license using several criteria as it determines whether it will recommend licensure. Some of these considerations follow. The dietitians could not show any documented evidence of harm to public health and safety. The few anecdotal instances of harm would not be remedied by this bill; they were, in reality, incompetent or unscrupulous individuals practicing medicine without a license — an activity already prohibited. Nor could they adduce any convincing examples of prospective harm. An unceasing torrent of testimony praising dietitians had the unintended effect of undermining their case by pointing out how well the status quo was working. The present system provides for voluntary certification by the American Dietetic Association. The ADA grants the title R.D. (Registered Dietitian) upon fulfilling certain educational and clinical requirements. This title which can be withdrawn by the ADA for cause represents a level of professional standing analogous to the status of a CPA vis-a-vis a public accountant. Also, apart from satisfied clients of dietitians there is no public interest in licensure. There are two other troubling aspects of the bill. It contains language which could be interpreted as prohibiting individuals who traditionally and benignly choose to use nutritionists and health food stores as part of their overall health regimen from being able to continue the practice. Also, the bill exempts from its purview weight control programs — arguably the area with the greatest opportunity for dangerous mischief. For these reasons the committee, like two previous legislatures ('86 and '91), cannot recommend passage of this bill. Vote 9-2.

Adopted.

**HB 497-FN**, relative to health insurance coverage for retirement system member spouses and dependents. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill as amended will authorize the Department of Administrative Services to provide medical insurance to children of state employees who were killed as a result of injuries suffered while in performance of duty. The amendment also allows the department to provide supplemental insurance to those who fall under the supplemental social security. Vote 17-1.

#### **Amendment (1441L)**

Amend the bill by replacing section 1 with the following:

1 New Section; Medical and Surgical Benefits. Amend RSA 21-I by inserting after section 30 the following new section:

21-I:30-a Optional Medical and Surgical Benefits.

I. The state shall pay a premium for permanent group hospitalization, hospital medical care, surgical care, and other medical and surgical benefits for the surviving spouse and dependent children of a deceased group I or group II state employee who dies as the natural and proximate result of injuries suffered while in the performance of duty, provided that:

(a) Any such child shall qualify as a dependent under the provisions of RSA 21-I:26-36.

(b) Any such surviving spouse shall cease to be qualified for medical and surgical benefits under this section upon the remarriage of the surviving spouse.

(c) No surviving spouse or dependent children shall be qualified or continue to be qualified for medical and surgical benefits under this section while receiving or becoming eligible to receive medical insurance or health care benefits from any other employer-sponsored plan.

(d) The state shall pay only a supplemental premium for medical and surgical benefits under this section for any such child who qualifies as a dependent under the provisions of RSA 21-I:26-36 and who is eligible for medicare benefits, which equals the difference between the medicare premium and the medical and surgical premium which is paid for dependent children under this section who are not eligible for medicare benefits.

II. In the case of the surviving spouse and dependent children of a group II state employee member who are eligible for medical and surgical benefits under this section and also under the provisions of RSA 100-A:50-55, the state shall pay a premium under this section for such benefits.

III. Funding to pay the premium for benefits under this section shall come from the benefit adjustment account.

### AMENDED ANALYSIS

This bill requires the state to pay a premium for medical and surgical benefits for the surviving spouse and dependent children of a deceased group I or group II state employee who dies as the natural and proximate result of injuries suffered while in the performance of duty, provided that the spouse and children meet certain qualifications.

Adopted.

Report adopted and referred to Finance.

**HB 533-FN**, relative to retirement benefits for the state treasurer. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Howard E. Williams for the Majority of Executive Departments and Administration: The committee noted this special pension system is an unfunded liability to be paid from future general fund revenue. They concluded that the possibility for the State Treasurer to participate in this pension program, after the closure date of January 1, 1987 as stated in the original RSA 14:27-c, no longer existed. The Treasurer still has the opportunity to participate in the group I pension plan. Vote 15-5.

Reps. Sandy B. Stettenheim, Myron S. Steere, III, Timothy N. Robertson and Merton S. Dyer for the Minority of Executive Departments and Administration: The current treasurer is one of the eight original constitutional officers eligible in 1986 for the retirement program under RSA 14:27-c. An amendment was proposed by the subcommittee which required the treasurer to pay a penalty for failing to execute her option as provided in the statute. The penalty would be in addition to the cost of buying back service credit for the retirement program. The amendment was approved by the committee in recognition of the need for a penalty. The minority believes the penalty is sufficient and that the treasurer should be allowed to buy back into the special retirement program as specified under RSA 14:27-c.

Reps. Steere and Bonnie Packard spoke against the Majority report and yielded to questions.

Rep. Howard Williams spoke in favor and yielded to questions.

Rep. Mercer spoke against.

The Majority report failed.

Rep. Bonnie Packard moved Re-refer to Committee.

Adopted.

**HB 542-FN**, requiring certification and certification fees for nonattorneys who act as taxpayer representatives before municipalities and the board of tax and land appeals and providing for regulation of such taxpayer representatives. OUGHT TO PASS WITH AMENDMENT

Rep. Sylvia A. Holley for Executive Departments and Administration: This bill amends RSA 71-B and eliminates the sunset date and continues to allow nonattorneys to represent taxpayers in appeals before municipalities and the Board of Tax and Land Appeals. Vote 18-0.

**Amendment (1392L)**

Amend the title of the bill by replacing it with the following:

**AN ACT**

permitting nonattorneys to represent taxpayers in certain appeals  
before municipalities and the board of tax and land appeals.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Representation by Nonattorneys. Amend RSA 71-B by inserting after section 7 the following new section:

71-B:7-a Representation by Nonattorneys. Nonattorneys may commonly represent taxpayers in RSA 76:16 and RSA 76:16-a appeals before municipalities and the board. Nothing in this section shall prevent the board from denying representation by any individual it deems to be improper, inappropriate or unable to adequately represent the interests of the taxpayer.

2 Effective Date. This act shall take effect July 1, 1995.

**AMENDED ANALYSIS**

This bill permits nonattorneys to represent taxpayers in RSA 76:16 and RSA 76:16-a appeals before municipalities and the board of tax and land appeals.

Adopted.

Report adopted and ordered to third reading.

**HB 547-FN-L**, establishing a retirement system for volunteer firefighters. RE-REFER TO COMMITTEE

Rep. Myron S. Steere, III for Executive Departments and Administration: The bill would enable municipalities to voluntarily offer participation in a retirement program to voluntary and call firefighters and emergency medical personnel. The committee believes the concept of allowing communities to offer incentives for continued voluntary service is good. However, more time is required to study this bill to ensure the sponsors intent is met. The sponsor supports further study. Vote 11-0.

Adopted.

**HB 571-FN**, relative to use of per diem compensation by state boards and commissions and by the state to pay certain costs of employing superior court bailiffs; increasing the pay of parole board members; and requiring a termination provision for advisory committees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Miriam D. Dunn for Executive Departments and Administration: This bill is the result of a committee established in 1994 (Chapter 270, HB 1300) to study per diem compensation, including all aspects of compensation received by members of state boards and commissions and by superior court bailiffs. It adds FICA and workers' compensation to the \$50 per diem rate for bailiffs paid by the state to counties; and increases the per diem rate for parole board members from \$50 to \$100. The bill also provides for boards and commissions, organized on the 125% basis to retain expert witnesses and special legal counsel, with payment by the board to be adjusted in the next fiscal year, if necessary. Finally, the bill imposes a 3-year "sunset" provision for executive department advisory committees established after July 1, 1995. The committee supports study committee recommendations. Vote 8-3.

**Amendment (1510L)**

Amend the title of the bill by replacing it with the following:

**AN ACT**

relative to use of per diem compensation by the state to pay certain costs of employing  
superior court bailiffs; increasing the pay of parole board members; and  
requiring a termination provision for advisory committees.

Amend the bill by replacing section 3 with the following:

3 New Section; Investigation or Legal Expenses. Amend RSA 332-G by inserting after section 2 the following new section:

332-G:3 Investigatory and Legal Expenses. Notwithstanding any other provision of law, a board or commission may retain expert witnesses or other qualified persons to assist with any investigation or adjudicatory proceeding. Members of the board or commission are not eligible

for retainment. The board or commission may also retain special legal counsel in instances when recommended by the attorney general. To the extent the existing appropriation of the board or commission does not include funds covering such expenditures, the board or commission may request the governor and council to expend funds not otherwise appropriated on the condition that such funds be considered in the next budget of the board or commission when the board or commission sets its fees so as to produce estimated revenues equal to 125 percent of its direct operating expenses for the previous fiscal year.

### AMENDED ANALYSIS

The bill permits boards and commissions to retain expert witnesses and legal counsel under certain circumstances.

The bill also requires the state to pay per diem compensation for bailiffs which covers the costs of travel, FICA, and workers' compensation insurance. The bill increases the pay of parole board members. The bill requires each advisory committee created after July 1, 1995 under RSA 21-G:11 to terminate after a 3-year period, unless continued by legislative action.

This bill is a recommendation of the committee established by 1994, 270 to study per diem compensation by state boards, commissions and their members and by the state to pay certain costs of employing superior court bailiffs.

Adopted.

Report adopted and referred to Finance.

**HB 601-FN**, relative to medical and retirement benefits for a former group II member of the New Hampshire retirement system. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert K. Dodge for the Majority of Executive Departments and Administration: The majority, after many hours of discussion, has recognized the claim of a former Group II fireman member of the New Hampshire Retirement System. The amendment will return the member to the Group II retirement system with disability retirement. Vote 14-4.

Reps. Mary E. Brown, Jon P. Beaulieu, and Howard E. Williams for the Minority of Executive Departments and Administration: We felt that a bill addressing a single individual is micro-managing the retirement system and may set a precedent that could affect the integrity of the pension system. This bill allows an individual who lost his Group II disability benefits when he took full-time employment as a Group I employee to receive retroactive benefits of approximately \$80,000 and reinstates his Group II disability benefits. His claim was denied by the retirement board, the Superior Court and the N.H. Supreme Court.

### Amendment (1562L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to retirement benefits for a former group II member  
of the New Hampshire retirement system.

Amend the bill by replacing all after the enacting clause with the following:

#### 1 Disability Benefits.

I. The provisions of this act shall apply to a former group II permanent fireman member of the New Hampshire retirement system who joined the retirement system in December, 1969, who retired on an ordinary disability retirement allowance on June 1, 1987, and who began receiving disability retirement benefits under RSA 100-A:6 on June 30, 1987. The provisions of this act shall apply, notwithstanding any other provisions of law to the contrary.

II. The former group II permanent fireman member listed in paragraph I shall be eligible for group II disability retirement benefits under RSA 100-A:6, and such benefits shall be reinstated effective June 1, 1990, on the effective date of this act.

#### 2 Application.

I. In order to effectuate the purposes of section 1 of this act, the New Hampshire retirement system shall:

(a) Return all member contributions and interest credited to the former retirement system member's account as a group I member.



(b) Return all employer contributions to the former retirement system member's employer.

II. The provisions of RSA 100-A:7 and RSA 100-A:11, I(a) shall not apply to sections 1 and 2 of this act.

3 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill restores state-paid disability retirement benefits, for withheld disability retirement benefit payments and for group I employee contributions, to a former group II permanent fireman member of the New Hampshire retirement system.

On a division vote, 165 members having voted in the affirmative and 176 in the negative, the amendment failed.

Rep. Boucher voted Yea and intended to vote Nay.

The question now being Ought to Pass.

Rep. Stettenheim yielded to Rep. Steere.

Rep. Steere spoke in favor and yielded to questions.

### RECONSIDERATION

Having voted with the prevailing side, Rep. Hutchinson moved that the House reconsider its action whereby it failed to pass the amendment to **HB 601-FN**, relative to retirement benefits for a former group II member of the New Hampshire retirement system.

Rep. Howard Williams spoke against.

Rep. John Sytek spoke in favor.

On a division vote, 216 members having voted in the affirmative and 139 in the negative, reconsideration prevailed and the question was the adoption of the amendment.

The amendment was adopted.

The question now being the adoption of the Committee report.

Rep. Mary Brown spoke against.

Rep. Howard Williams spoke against and yielded to questions.

Rep. Robert Dodge spoke in favor and yielded to questions.

Rep. Howard Williams requested a roll call; sufficiently seconded.

### YEAS 206 - NAYS 145

#### YEAS 206

#### BELKNAP

Boriso, Thomas  
Johnson, James  
Rosen, Ralph

Golden, Paul  
Lawton, David  
Smith, Linda

Holbrook, Robert  
Lawton, Robert

Hurt, George  
Rice, Thomas, Jr.

#### CARROLL

Beach, Mildred  
Kenney, Joseph

Bradley, Jeb  
Lyman, L. Randy

Cooper, Kipp  
Philbrick, Donald

Foster, Robert

#### CHESHIRE

Burnham, Daniel  
Feuer, Joseph  
Metzger, Katherine  
Smith, Edwin

Champagne, Richard  
Lynch, Margaret  
Pratt, Irene  
Steere, Myron, III

DePecol, Benjamin  
Manning, Joseph  
Riley, William  
Wollner, Robert

Doucette, Richard  
McGuirk, Paul  
Robertson, Timothy

#### COOS

Burns, Harold  
Hawkinson, Marie

Coulombe, Henry  
Mears, Edgar

Coulombe, Yvonne  
Pratt, Leighton

Guay, Lawrence

#### GRAFTON

Adams, Carl  
Crory, Elizabeth  
Lovett, Sidney  
Trelfa, Richard

Bean, Pamela  
Eaton, Stephanie  
Nordgren, Sharon  
Williams, William, Jr.

Below, Clifton  
LaMott, Paul  
Scanlan, David

Copenhaver, Marion  
Larson, Nils, Jr.  
Teschner, Douglass

**HILLSBOROUGH**

Ahern, Richard  
 Bergeron, Normand  
 Clemons, Jane  
 Dodge, Emma  
 Emerton, Lawrence, Sr.  
 Gagnon, Eugene  
 Hallyburton, Margaret  
 Holt, David  
 L'Heureux, Robert  
 MacIntyre, Doris  
 Mercer, Robert  
 Pappas, Marc  
 Reidy, Frank  
 Taylor, Paul  
 Wheeler, Craig

Allen, W. Gordon  
 Bridgewater, Charles  
 Cote, David  
 Drabinowicz, A. Theresa  
 Fields, Dennis  
 Gibson, John  
 Hart, Nick  
 Jean, Claudette  
 Laughlin, J. Francis  
 Marcinkowski, Michael  
 Messier, Irene  
 Pepino, Leo  
 Sargent, Maxwell  
 Toomey, Kathryn  
 Wheeler, Robert

Amidon, Eleanor  
 Calawa, Leon, Jr.  
 Cote, Peter  
 Dwyer, Paul, Sr.  
 Foster, Linda  
 Goulet, Maurice  
 Healy, Daniel  
 Kane, Laura  
 Legacy, Earl  
 Martin, Mary  
 O'Rourke, Joanne  
 Peters, Stanley  
 Soucy, Donna  
 Turgeon, Roland  
 White, John

Asselin, Robert  
 Chabot, Robert  
 Desrosiers, William  
 Dyer, Merton  
 Franks, Suzan  
 Haettenschwiller, Alphonse  
 Holden, Carol  
 Kirby, Thomas  
 Lozeau, Donnalee  
 Melcher, Harold  
 Packard, Bonnie  
 Philbrook, Paula  
 Streeter, Janice  
 Wells, Peter, Sr.

**MERRIMACK**

Barberia, Richard  
 Daneault, Gabriel  
 Kennedy, Richard  
 Moore, Carol  
 Pfaff, Terence  
 Walner, Mary Jane  
 Yeaton, Charles

Buessing, Marjorie  
 Dunn, Miriam  
 Langer, Ray  
 Newland, Matthew  
 Rogers, Katherine  
 Warner, Richard

Chandler, Charles  
 Hess, David  
 Little, Michael  
 Nichols, Avis  
 Trombly, Rick  
 Whalley, Michael

Chandler, John  
 Jacobson, Alf  
 Lockwood, Robert  
 Owen, Derek  
 Varsalone, Robert  
 Whittemore, James

**ROCKINGHAM**

Abbott, Dennis  
 Case, Margaret  
 Coes, Betsy  
 Flanders, David  
 Gleason, John  
 Kane, Cecelia  
 Klemm, Arthur, Jr.  
 McGovern, Cynthia  
 Richards, David  
 Simmons, John Anthony  
 Sytek, Donna  
 Welch, David

Battles, Marjorie  
 Christie, Andrew, Jr.  
 Conroy, Janet  
 Flanders, John, Sr.  
 Hurst, Sharleene  
 Katsakiores, George  
 Kruse, Fred  
 Morris, Debbie  
 Ross, James  
 Splaine, James  
 Sytek, John  
 Weyler, Kenneth

Bishop, Franklin  
 Clark, Martha  
 Dodge, Robert  
 Gage, Beverly  
 Hutchinson, Karen  
 Katsakiores, Phyllis  
 Magoon, Harold  
 Noyes, Richard  
 Scanlon, Edward  
 Stritch, C. Donald  
 Vaughn, Charles  
 Yennaco, Carol

Carson, Gregory  
 Clark, Vivian  
 Dunham, Vivian  
 Gargiulo, Louis  
 Johnson, Robert  
 Kelley, Jane  
 Malcolm, Ken  
 Raynowska, Bernard  
 Senter, Marilyn  
 Syracuse, Anthony  
 Wearé, Everett

**STRAFFORD**

Beube, Roger  
 Hambrick, Patricia  
 McKinley, Robert  
 Sullivan, Henry  
 Wheeler, Katherine

DeChane, Marlene  
 Hilliard, Dana  
 Merrill, Amanda  
 Tessimond, Shane

Douglass, Clyde  
 Loder, Suzanne  
 Pelletier, Arthur  
 Torr, Ann

Grassie, Anne  
 McCann, William, Jr.  
 Snyder, Clair  
 Wall, Janet

**SULLIVAN**

Cloutier, John  
 Stettenheim, Sandy

Flint, Gordon

Lindblade, Eric

Palmer, Lorraine

**NAYS 145****BELKNAP**

Bartlett, Gordon  
 Wendelboe, Francine

Dewhirst, Glenn  
 Ziegler, Alice

Laflam, Robert

Thomas, John

**CARROLL**

Babson, David, Jr.

Chandler, Gene

Howard, Godfrey

Patten, Betsey

**CHESHIRE**

Avery, Stephen	Hunt, John	Kingsbury, H. Thayer	Laurent, John
McNamara, Wanda	Royce, H. Charles		

**COOS**

Davis, Perley	Horton, Lynn	Merrill, Gerald
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**GRAFTON**

Brown, Alson	Brown, Channing	Chase, Paul, Jr.	Cobbin, Philip
Connolly, Steven	Ham, Bonnie	Hill, Richard	MacNeil, Allen
Mirski, Paul	Phinney, William	Tucker, John	

**HILLSBOROUGH**

Aksten, Cheryl	Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr.
Barry, Janet	Belvin, William	Boutin, David	Brundige, Robert
Buckley, Raymond	Burke, M. Virginia	Cepaitis, Elizabeth	Champagne, Norma
Clegg, Robert, Jr.	Daniels, Gary	Desmarais, Vivian	Dokmo, Cynthia
Durham, Susan	Dykstra, Leona	Feng, David	Fenton, James
Ferguson, Charles	Francoeur, Gary	Gotham, Rita	Hansen, Herbert
Herman, Keith	Holley, Sylvia	Jean, Loren	Johnson, Lionel
Kelley, Robert	Krochmal, Mark	Kurk, Neal	LaRose, Richard
Lefebvre, Roland	Letendre, Evelyn	Luebker, Bernard	MacGillivray, Jeffrey
McCarty, Winston	McMahon, Donald	McRae, Karen	Mittelman, David
Morello, Michael	O'Hearn, Jane	Riley, Frances	Sallada, Roland
Showerman, Peter	Sullens, Joan	Thulander, O. Alan	White, Donald
Worthen, Dorothy	Wright, George		

**MERRIMACK**

Adams, Stephen	Brown, Mary	Chandler, Earle	Crosby, Toni
Crowell, Peter	DeStefano, Stephen	Feuerstein, Martin	Fraser, Marilyn
Holmes, Mary	Lamach, Bernard	Morrill, Olive	Patenaude, Amy
Pitman, Mary Ellen	Shaw, Randall	Willis, Jack	

**ROCKINGHAM**

Aranda, M. Kathryn	Arndt, Janet	Attar, Kevin	Beaulieu, Jon
Belanger, Ronald	Boucher, William	Camm, Kevin	Cote, Patricia
Dowd, Sandra	Fesh, Robert	Flanagan, Natalie	Goddard, Warren
Haynes, Richard	Henderson, Warren	Kobel, Rudolph	Langley, Jane
Lee, Rebecca	Lovejoy, Marian	Lupien, James	McCarthy, John, Jr.
McKinney, Betsy	Nowe, Ronald	Packard, Sherman	Putnam, Ed, II
Rubin, George	Sabella, Norma	Smith, Arthur	Stone, Joseph
Tufts, J. Arthur			

**STRAFFORD**

Brown, George	Callaghan, Frank	Chagnon, Ronald	Dunlap, Patricia
Hanlon, Mark	Keans, Sandra	Knowles, William	Merritt, Deborah
Musler, George	Reynolds, Charles	Spear, Barbara	Steadman, Frederick
Torr, Ralph	Vincent, Francis	Wasson, Richard	Williams, Howard

**SULLIVAN**

Adler, Rudolf	Behrens, Thomas	Krueger, Richard	Schotanus, Merle
Whipple, Allen			

and the report was adopted. Referred to Finance.

Reps. Perkins and Mock declared conflicts of interest and did not participate.

**(Speaker Burns in the Chair)**

**HB 614-FN-L**, to provide an additional service retirement option for group I teacher members of the retirement system. **RE-REFER TO COMMITTEE**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would provide an additional retirement option for Group I teacher members of the retirement system. This bill would require an additional contribution from those electing this retirement option. The option would allow those that selected this option to a full retirement if their years of teaching and age equal 85 or more. This bill has some interesting features that have been discussed briefly in the past, but have not been studied thoroughly. The committee feels that before it can make a recommendation to the full house, it must know more of the implications and effects, if any, on the communities and their staffs. Also, should this be expanded to other members of the retirement system. The committee recommends re-refer to be better able to make a proper recommendation to the full house in January, 1996. Vote 10-1.

Adopted.

Rep. Perkins declared a conflict of interest and did not participate.

**HB 521-FN-L**, creating interagency family assistance teams for at-risk youth. **OUGHT TO PASS WITH AMENDMENT**

Rep. Margaret D. Hallyburton for Judiciary and Family Law: This bill allows the agencies which are currently serving families to coordinate their efforts and to draw from funds which are pooled via the bill for this effort. The committee feels that this is good management practice which deserves support. Vote 15-4.

**Amendment (1496L)**

Amend the title of the bill by replacing it with the following:

**AN ACT**

creating interagency family assistance teams.

Amend RSA 126-I:11 as inserted by section 1 of the bill by replacing it with the following:  
126-I:11 Immunity From Liability. Any nongovernmental person who serves on an interagency family assistance team shall be immune from civil liability for decisions made about the appropriate services for a family, the proper placement or treatment of a child, the utilization of funds allocated for services under this chapter, or any other actions to carry out duties under this chapter unless such person acts in a wanton or reckless manner.

Adopted.

Report adopted and ordered to third reading.

**HB 557-FN**, relative to the procedures of the central registry under the division for children, youth, and families. **OUGHT TO PASS WITH AMENDMENT**

Rep. Margaret D. Hallyburton for Judiciary and Family Law: The thrust of this bill is twofold: 1) to ensure after-hours availability of data, currently maintained on index cards, to law enforcement officials by moving to a computer database; and 2) to provide an appeals process to individuals whose names appear on the central registry to have their names removed if they can show the conditions which led to the initial finding have been corrected. The committee felt these are worthwhile changes that deserve support. The bill is the product of a legislative study committee. Vote 10-7.

**Amendment (1523L)**

Amend the bill by deleting section 5 and renumbering sections 6-16 to read as 5-15, respectively.

Amend RSA 169-C:35, IV and V as inserted by section 14 of the bill by replacing them with the following:

IV. Computer access shall be made available 24 hours a day and shall be provided by the division only to the New Hampshire state police, the division of public health child care standards and licensing, and the department of education bureau of credentialing for the purposes of determining whether an identified individual is listed in the central registry. Should an individual be identified as being listed in the central registry, such identification shall be indicated only by the term "match" with a statement that additional information may be obtained by contacting the division for children, youth, and families.

V.(a) An individual shall be notified in writing by certified mail, return receipt requested, that a determination has been made to place the person's name in the central registry. Any in-

dividual who wishes to appeal this decision may do so before the appeals board established in subparagraph (d). Such request shall be made in writing within 14 days of receiving notification of the determination to place the name of the individual in the central registry.

(b) The division may at any time request that the appeals board order the removal of an individual's name from the central registry. Such request shall state the reasons why the division believes that the individual named no longer poses a threat to the safety of children. The appeals board, upon receipt of such a request may:

(1) Grant the request and order removal of the individual's name from the central registry; or

(2) Deny the division's request.

(c) The right of an individual to request a hearing before the appeals board, as provided in subparagraph (a), shall be in addition to the right that the individual has to appeal the determination that the individual is a person responsible for child neglect or abuse.

(d) A 3-member appeals board is established which shall consist of:

(1) An attorney appointed by the attorney general who shall be familiar with civil rights issues and who shall chair the committee.

(2) A division for children, youth, and families representative appointed by the director of the division.

(3) A disinterested, unpaid public member appointed by the governor.

(e) At the appeals hearing, the division shall have the burden of establishing that there is probable cause to believe that the named individual has neglected or abused a child.

(f) This appeal shall include an opportunity for one to present evidence and witnesses on one's behalf to show that the individual does not pose a threat to the safety of children. In addition, individuals may bring 2 supportive persons to accompany them through this hearing process, and they may be represented by legal counsel if they so choose.

(g) If the appeals board determines that the individual does not pose a threat to the safety of children, the individual's name shall not be placed on the central registry.

(h) All hearings related to such appeals shall remain confidential.

Amend paragraph I of section 15 of the bill by replacing it with the following:

I. RSA 169-C:35, V(b) as inserted by section 14 of this act shall take effect 60 days after its passage.

Amend the bill by replacing section 16 with the following:

16 Effective Date.

I. RSA 169-C:35, IV as inserted by section 14 of the bill shall take effect July 1, 1996.

II. RSA 169-C:35, V(b) as inserted by section 14 of this act shall take effect 60 days after its passage.

III. The remainder of this act shall take effect January 1, 1996.

#### AMENDED ANALYSIS

Section 14 of this bill revises the procedures relative to the central registry, establishes a 3-member appeals board, and provides for appeals hearings for perpetrators.

The remainder of this bill amends certain RSA provisions making them gender neutral and consistent with other sections amended by the bill in accordance with RSA 17-A:6 relative to gender neutral drafting.

Adopted.

Report adopted and ordered to third reading.

**HB 586-FN**, suspending the salary and benefits of any judge suspended by the supreme court for misconduct. **OUGHT TO PASS WITH AMENDMENT**

Rep. David T. Mittelman for Judiciary and Family Law: Currently, a judge who has been suspended for misconduct is still entitled to receive his or her salary and benefits while suspended. The bill corrects this fundamental problem. However, a number of constitutional questions have arisen in regards to the ability of the Legislature to take away the salary and benefits of a judge. The committee intends to offer a motion to table the bill and then introduce a resolution on the House floor to ask the Supreme Court whether this bill is constitutional. Vote 14-0.

#### Amendment (1543L)

Amend RSA 490:18-b as inserted by section 1 of the bill by replacing it with the following:

490:18-b Suspension of Salary and Benefits. The supreme court shall suspend the salary and benefits of any judge who is suspended by the supreme court for misconduct for the period of suspension. The period of suspension shall not be counted as accumulated time for purposes of retirement compensation.

Adopted.

Rep. Lockwood spoke in favor.

Report adopted.

### LAID ON THE TABLE

Rep. Mittleman moved that **HB 586-FN**, suspending the salary and benefits of any judge suspended by the supreme court for misconduct, be laid on the table.

Adopted.

The Committee on Judiciary and Family Law offered the following:

### HOUSE RESOLUTION NO. 14

requesting an opinion of the justices concerning  
the constitutionality of HB 586-FN.

Whereas, there is pending in the house, HB 586-FN, "An Act suspending the salary and benefits of any judge suspended by the supreme court for misconduct;" and

Whereas, RSA 490:18-b as proposed by HB 586-FN would require the supreme court to suspend the salary and benefits of any judge who is suspended by the supreme court for misconduct for the period of the suspension; and

Whereas, an amendment has been proposed to HB 586-FN; and

Whereas, a question has arisen as to the constitutionality of the provisions of the bill as amended; and

Whereas, it is important that the question of the constitutionality of said provisions be settled in advance of its enactment; now, therefore, be it

Resolved by the House of Representative:

That the justices of the supreme court be respectfully requested to give their opinion on the following questions of law:

1. Would enactment of HB 586-FN, as amended, constitute a violation of the separation of powers provisions of Part I, Article 37 of the New Hampshire Constitution?

2. Would enactment of HB 586-FN, as amended, violate the provisions of Part I, Article 35 of the New Hampshire Constitution, which provides for tenure of supreme court justices?

3. Would enactment of HB 586-FN, as amended, violate the provisions of Part II, Article 59 of the New Hampshire Constitution, relative to the establishment of permanent salaries for justices of the superior court?

4. Would enactment of HB 586-FN, as amended, violate the provisions of Part II, Article 73 of the New Hampshire Constitution, which establishes the tenure of judges as commissioned officers?

5. Would enactment of HB 586-FN, as amended, violate any other provision of the New Hampshire Constitution?

That the clerk of the house of representatives transmit copies of this resolution and HB 586-FN and the proposed amendment to the justices of the supreme court.

Rep. Lockwood spoke in favor.

Adopted.

### REGULAR CALENDAR (Cont'd)

**HB 594-FN-L**, requiring employers to report to the department of employment security the names of individuals hired or rehired, which information is used by the division of human services in child support enforcement. **OUGHT TO PASS WITH AMENDMENT**

Rep. David T. Mittelman for Judiciary and Family Law: Every month in New Hampshire, 13,000 deadbeat parents default on \$2 million in child support payments. This bill establishes a procedure whereby the Office of Child Support Enforcement Services will have access to the addresses of these deadbeat parents. This will allow more children to get the money they deserve. And once again, not only does this bill make good policy sense, but good fiscal sense as well. It will increase state revenues by upwards of \$1 million through the recovery of previously paid AFDC payments. Vote 13-1.

**Amendment (1466L)**

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The purpose of this section is to authorize the commissioner of employment security to collect reports from employing units indicating the hiring of or the contracting for services with an individual, and to authorize the commissioner, consistent with this section, to enter into an agreement with the director of the division of human services, department of health and human services, to assist the division with its efforts to establish and enforce child support orders pursuant to RSA 161-B and 161-C, and its administration of any public assistance program authorized by RSA 161 or 167.

2 New Section; Department of Employment Security Report to Division; Newly Hired, Rehired, and Contracted Services Employees. Amend RSA 161-C by inserting after section 26-a the following new section:

161-C:26-b Hiring Reports. The division shall be authorized to receive from the department of employment security reports made to the department by an employing unit, under RSA 282-A:117-a, of the hire, rehire, or contracting of services of an individual who is subject to the establishment or enforcement of a child support order pursuant to RSA 161-B and RSA 161-C or who is a recipient of any public assistance administered pursuant to RSA 161 or 167.

3 New Section; Reports to Division of Human Services; Newly Hired, Rehired, or Contracted Services Employees. Amend RSA 282-A by inserting after section 117 the following new section:

282-A:117-a New-Hire Reports.

I. Any employing unit doing business in this state shall report to the department:

(a) The hiring of an individual who earns wages or any other form of compensation in this state.

(b) The rehiring of such individual who was permanently laid off or otherwise terminated from employment.

(c) The contracting for services in this state with an individual, in accordance with the rules established by the commissioner, when reimbursement for such services is anticipated to exceed \$2,500.

II. An employing unit required to report under paragraph I shall make such report by mailing or transmitting to the department a photostatic copy or replica of the individual's W-4 form or by sending all information required in paragraph III to the department by magnetic tape in a format acceptable to the department or by any other means as mutually agreed upon by the employing unit and the department.

III. The employing unit shall submit to the department a report of an individual's hire, rehire, or contract for services within 30 days of such action. The report shall contain:

(a) The individual's complete name, address, and social security number.

(b) The employing unit's name, address, and federal or state identification number.

IV. The department shall promptly cross-match the information reported under paragraphs II and III against data provided by the division, consisting of the names of individuals who are subject to the establishment or enforcement of a child support order or who are recipients of public assistance, and transmit the information reported under paragraphs II and III on the matched individuals to the division within a time period and by a method as agreed upon between the division and the department.

V. The division of human services shall be authorized to use the information transmitted to it by the department to carry out its duty to establish and enforce orders for child support pursuant to RSA 161-B and 161-C, and to assist in the administration of any public assistance program authorized by RSA 161 or 167.

VI. Any individual earning wages in this state who is hired or rehired by an employing unit or enters into a contract for services with an employing unit doing business in this state shall be deemed to consent to the release and disclosure by the employing unit to the department of the individual's completed W-4 form or the information subject to reporting under paragraph III and in accordance with paragraph IV, and to the release and disclosure of such reported information by the department to the division, but only for the purpose of establishing and enforcing child support orders pursuant to RSA 161-B and 161-C, and the division's administration of any public assistance programs authorized by RSA 161 or 167.

VII. The commissioner of employment security shall be authorized, under RSA 541-A, to adopt such rules as may be necessary for the efficient administration of this section.

VIII. The department and the division shall agree on the costs of administration of this section and the division shall pay for such costs.

4 Effective Date. This act shall take effect January 1, 1996.

### AMENDED ANALYSIS

This bill requires employers to report to the department of employment security the names of individuals who are hired, rehired, or who provide contracted services exceeding \$2,500, which shall be used by the division of human services for the purposes of child support enforcement and the administration of public assistance programs.

This bill is a request of child support enforcement services, division of human services.

Adopted.

Report adopted and referred to Finance.

**HB 612-FN**, requiring the attorney general to bring suit against the United States Government for violating the United States Constitution and the New Hampshire constitution by enacting a military firearms ban. RE-REFER TO COMMITTEE

Rep. Richard E. Kennedy for Judiciary and Family Law: This is a serious issue which will not go away. Consensus is that this is a bad law that most certainly will be repealed and Congress is working toward that end on a bipartisan approach. The question for us to decide is whether to go forward or to hold this bill so it, or a modification of it, may be used at a later date, if necessary. Vote 9-4.

Rep. Kennedy spoke in favor and yielded to questions.

Rep. McCann spoke against.

Adopted.

**HB 619-FN-A-L**, establishing the constitutional defense oversight committee and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Sandra Balomenos Keans for Judiciary and Family Law: The sponsor "believes the federal government is going much too far into our daily lives and business." He feels that this oversight committee could meet on a monthly basis with the Attorney General (because that office is the only one authorized to bring suit against the federal government). The committee's purpose would be to review every federal statute. Examples are the school lunch program, federal highway safety programs and commercial motor vehicle safety act, federal mandates, and court rulings. The Committee agrees with the philosophical intent of the bill. However, we believe it could never serve its purpose. 1) There would be an undue burden on the Attorney General's office. 2) The \$1 appropriation would be inadequate. 3) Given the volumes of legislation from the feds, the oversight committee would have to meet almost full time. 4) The various state departments already must study all federal legislation affecting the state. 5) There has been a new Congress elected that appears to be taking a new look at legislation already on the books. 6) The bill prohibiting federal mandates has passed Congress. 7) The make-up of the committee is unacceptable. Vote 10-3.

Adopted.

**HB 620-FN**, relative to mandatory prelitigation screening and mediation panels for professional negligence claims. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: RE-REFER TO COMMITTEE.

Rep. Nick Hart for the Majority of Judiciary and Family Law: Part I, Article 20, of the New Hampshire Constitution held sacred the right to jury trials. If this legislation was passed, we would prejudice our jury system. New York repealed a similar law. The committee received testimony from several Maine attorneys as to the delay and added cost of the pre-screening panels. Testimony from Chief Justice Nadeau that the proposed legislation would establish an unnecessary and costly procedure requiring additional staff time, hearing space, and litigation procedure and that RSA 519 currently provides for panel consideration of malpractice claims. Vote 12-5.

Reps. David T. Mittelman, Alf E. Jacobson, and Janice B. Streeter for the Minority of Judiciary and Family Law: The minority of the committee recognizes that HB 620 - as currently



drafted - has a number of weaknesses. Indeed, we could not vote for it in its present form. However, we similarly do not believe the bill should be dismissed outright. It is a serious attempt to address the problems of excessive litigation in our society. The subcommittee that examined the bill voted 4-2 to Re-refer in recognition of its potential positive impact as well as the volumes of information that were presented to us. Unfortunately, the Re-refer motion failed 8-9 in full committee. Quite frankly, the minority of the committee is sincerely disappointed that we will not have the opportunity to fully study this bill.

Majority report adopted.

Rep. Hess declared a conflict of interest and did not participate.

**HB 526-FN**, relative to the elevator law, including certain fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ed Mears for Labor, Industrial and Rehabilitative Services: This bill increases fees for installation of new elevators, adds a fee for inspections by Department of Labor employees and establishes qualifications for elevator mechanics. The bill also authorizes civil penalties to be assessed and provides an appeal procedure for such penalties. This bill was requested by the Department of Labor. Vote 9-4.

#### **Amendment (1206L)**

Amend RSA 157-B:4, II as inserted by section 3 of the bill by replacing it with the following:

***II. Inspections of elevators installed after the effective date of this paragraph shall be in accordance with the American Standard Safety Code applicable to the year installed.***

Amend the bill by replacing section 6 with the following:

6 Fee Changed; Gender Neutral. Amend RSA 157-B:8 to read as follows:

157-B:8 Inspectors An elevator inspector shall pass an examination given by the commissioner, except in cases in which an elevator inspector has proven to the satisfaction of the commissioner experience in excess of 5 years within the state. A license shall be issued to the inspector for a 2-year period. A fee of \$50 shall be charged for the initial examination and license. A license may be renewed every 2 years upon payment of a fee of \$35. Employees of the department of labor shall not be charged for the issuance or renewal of a license. A person who holds a certificate or license of competency as an inspector of elevators from a state that has a standard of examination equal to that of this state may be issued a license without examination upon payment of a fee of [20] \$35. The commissioner may revoke any license [issued by him] for cause shown, after a hearing. The holder of a license under question shall receive 7 days' written notice informing [him] ***the licensee*** of the charges [against him] and of the time and place of the hearing.

Amend the bill by replacing section 7 with the following:

7 New Sections; Elevator Mechanics. Amend RSA 157-B by inserting after section 8 the following new section:

157-B:8-a Mechanics. An elevator mechanic shall pass an examination given by the commissioner, except in cases in which an elevator mechanic has proven to the satisfaction of the commissioner experience in excess of 5 years within the state. A license shall be issued to the mechanic for a 2-year period. A fee of \$50 shall be charged for the initial examination and license. A license may be renewed every 2 years upon payment of a fee of \$35. Employees of the department of labor shall not be charged for the issuance or renewal of a license. A person who holds a certificate or license of competency as a mechanic of elevators from a state that has a standard of examination equal to that of this state may be issued a license without examination upon payment of a fee of \$35. The commissioner may revoke any license for cause shown, after a hearing. The holder of a license under question shall receive 7 days' written notice informing licensee of the charges and of the time and place of the hearing.

157-B:8-b Inspection and Repairs. An elevator inspector holding a mechanic's license under this chapter shall not make any repairs as a result of an annual inspection which such inspector performed.

#### **AMENDED ANALYSIS**

This bill increases fees for installation of new elevators. The bill adds a fee for inspections of elevators by department of labor employees and establishes qualifications for elevator mechanics. The bill also authorizes civil penalties to be assessed and provides an appeal procedure for such penalties.

This bill also amends certain provisions of the elevator law to make them gender neutral in accordance with RSA 17-A:6, relative to gender neutral drafting.

Adopted.

Report adopted and referred to Finance.

**HB 141**, creating an alternative form of local government to allow towns, school districts, and village districts to vote on their annual operating budgets by official ballot. **OUGHT TO PASS WITH AMENDMENT**

Reps. Thomas E.P. Rice, Jr. and Linda T. Foster for Municipal and County Government: In its present incarnation, this bill allows more local control, more optional approaches, and in general, more flexibility than any other proposal. This bill provides for the implementation of the official ballot in pure town meeting towns, in town council towns, and in unincorporated places. It also provides that this major change cannot be done without due consideration by the public. With the provision allowing shortening of the Charter process it can be put in place in less than a year. Finally, this bill is totally permissive. It is not binding on any town. It permits any town to prescribe its own medicine. Vote 14-6.

### Amendment (1535L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

enabling towns, school districts and village districts to use the official ballot for voting on budgetary warrant articles and amending the charter process.

Amend the bill by replacing all after the enacting clause with the following:

1 Charter Revisions, Adoptions, Procedures. Amend RSA 49-B:3, V to read as follows:

V. Within 30 days after the adoption of an order under paragraph I or the receipt of a certificate or final determination of sufficiency under paragraph IV, the municipal officers shall by order submit the question for establishment of a charter commission to the voters at the next regular municipal election or, in the case of municipalities with biennial elections, at the next regular state biennial election, *if such election is held not less than 60 days nor more than 180 days thereafter. Otherwise, the municipal officers shall by order submit the question for establishment of a charter commission to the voters at a special municipal election held not less than 60 days nor more than 90 days after the adoption of such an order or receipt of such a certificate of final determination.* The question to be submitted to the voters shall be in substance as follows: "Shall a charter commission be established for the purpose of revising the municipal charter or establishing a new municipal charter?"

2 Voting on Charter Amendments. RSA 49-B:5, IV(c) is repealed and reenacted to read as follows:

(c) Within 7 days after the hearing, the municipal officers shall order the proposed amendment to be placed on the ballot at the next regular municipal election or, in the case of municipalities with biennial elections, at the next regular municipal election or, in the case of municipalities with biennial elections, at the next regular state biennial election, *if such election is held not less than 60 days nor more than 180 days thereafter. Otherwise, the municipal officers shall order a special election to be held not less than 60 days nor more than 90 days from the date of the order for the purpose of voting on the proposed amendments.*

3 New Paragraph; Budgetary Official Ballot Town Council. Amend RSA 49-D:3 by inserting after paragraph I the following new paragraph:

I-a. Official ballot town council shall be a variation of the town council which provides for voting on some or all matters that general law requires to be addressed at the annual or a special meeting of a town, by official ballot. In such event, the town council shall be vested only with the limited authority to vote on all matters not voted on by official ballot. When an official ballot town council is included in any charter, the provisions of RSA 49-D:3, I relative to town councils shall apply in all respects, except with respect to those matters to be voted on by official ballot. When a charter provides for an official ballot town council it shall also specify with precision the budgetary items to be included on the official ballot, a finalization process for the annual budget, the process for public hearings, debate, discussion, and amendment of questions to be placed on the official ballot, the procedures for the transfer of funds among various de-

partments, funds, accounts, and agencies as may be necessary during the year, and the applicability of the official ballot procedure to special elections. All voting by official ballot shall be in accordance with the procedures established in RSA 669:19-29, RSA 670:5-7 and RSA 671:20-30, including all requirements pertaining to absentee voting, polling places, and polling hours. Non-budgetary items may be placed on the official ballot pursuant to this section notwithstanding the provisions of RSA 40:4-e and RSA 39:3-d.

4 New Paragraph; Budgetary Official Ballot Town Meeting. Amend RSA 49-D:3 by inserting after paragraph II the following new paragraph:

II-a. Official ballot town meeting shall be a variation of the open town meeting which provides for voting on some or all warrant articles, including part or all of the annual town operating budget, by official ballot. In such event, the open town meeting shall be vested only with the limited authority to vote on all matters not voted on by official ballot. When an official ballot town meeting is included in any charter, the provisions of general law relative to town meetings, their warning, the right for petitioned articles at such meetings, the conduct of such meetings, and the type of majority required for bond issues shall apply to the official ballot and open town meeting in all respects. When a charter provides for an official ballot town meeting it shall also specify with precision the budgetary items to be included on the official ballot, a finalization process for the annual budget, the process for public hearings, debate, discussion, and amendment of questions to be placed on the official ballot, the procedures for the transfer of funds among various departments, funds, accounts, and agencies as may be necessary during the year, and the applicability of the official ballot procedure to special meetings. All voting by official ballot shall be in accordance with the procedures established in RSA 669:19-29, RSA 670:5-7 and RSA 671:20-30, including all requirements pertaining to absentee voting, polling places, and polling hours. Non-budgetary items may be placed on the official ballot pursuant to this section notwithstanding the provisions of RSA 40:4-e and RSA 39:3-d.

5 New Section; Budgetary Official Ballot. Amend RSA 52 by inserting after section 2 the following new section:

52-2-a Budgetary Official Ballot. Notwithstanding any other provision of law, any village district may vote to raise and appropriate money for the support of the district by official ballot as provided for in RSA 49-D:3, II-a, by following the procedures set forth in RSA 49-B. For the purposes of this section, all references in RSA 49-B to "municipal," "municipality," "city," and "town" shall mean and include "village district," and all references to "elected body" and "governing body" shall mean and include "district commissioners."

6 New Section; Budgetary Official Ballot School District Meeting. Amend RSA 197 by inserting after section 5-a the following new section:

197:5-b Budgetary Official Ballot. Notwithstanding any other provision of law, any school district may vote to raise and appropriate money for the support of schools by official ballot as provided for in RSA 49-D:3, II-a by following the procedures set forth in RSA 49-B. For purposes of this section, all references in RSA 49-B to "municipal," "municipality," "city," and "town" shall mean and include "school district," and all references to "elected body" and "governing body" shall mean and include "school board."

7 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill adjusts the time period for the adoption of charter changes in municipalities with biennial elections to allow adaption processes to move more quickly.

The bill creates 2 alternative forms of local government, one to allow towns, school districts, and village districts to vote on their annual operating budgets by official ballot and the other to allow towns with town councils to vote on certain matters by official ballot.

Adopted.

Rep. Hess yielded to questions.

Rep. Luebke requested a roll call; sufficiently seconded. The question being the adoption of the report.

**YEAS 290 - NAYS 51****YEAS 290****BELKNAP**

Dewhirst, Glenn  
Lawton, David  
Smith, Linda

Hurt, George  
Lawton, Robert  
Thomas, John

Johnson, James  
Rice, Thomas, Jr.  
Wendelboe, Francine

Laflam, Robert  
Rosen, Ralph  
Ziegler, Alice

**CARROLL**

Babson, David, Jr.  
Cooper, Kipp  
Kenney, Joseph  
Philbrick, Donald

Beach, Mildred  
Dickinson, Howard, Jr.  
Lyman, L. Randy

Bradley, Jeb  
Foster, Robert  
Mock, Henry

Chandler, Gene  
Howard, Godfrey  
Patten, Betsey

**CHESHIRE**

Avery, Stephen  
Hunt, John  
Robertson, Timothy

Cole, Stacey  
Kingsbury, H. Thayer  
Royce, H. Charles

DePecol, Benjamin  
Laurent, John  
Smith, Edwin

Feuer, Joseph  
Metzger, Katherine  
Steere, Myron, III

**COOS**

Bradley, Paula  
Horton, Lynn

Davis, Perley  
Mears, Edgar

Guay, Lawrence  
Merrill, Gerald

Hawkinson, Marie

**GRAFTON**

Adams, Carl  
Brown, Channing  
LaMott, Paul  
Nordgren, Sharon  
Trelfa, Richard

Bean, Pamela  
Connolly, Steven  
Larson, Nils, Jr.  
Phinney, William  
Tucker, John

Below, Clifton  
Eaton, Stephanie  
MacNeil, Allen  
Scanlan, David  
Williams, William, Jr.

Brown, Alson  
Hill, Richard  
Mirski, Paul  
Teschner, Douglass

**HILLSBOROUGH**

Ahern, Richard  
Amidon, Eleanor  
Barry, Janet  
Bridgewater, Charles  
Calawa, Leon, Jr.  
Clegg, Robert, Jr.  
Daniels, Gary  
Dokmo, Cynthia  
Feng, David  
Foster, Linda  
Gibson, John  
Hallyburton, Margaret  
Herman, Keith  
Jean, Claudette  
Kelley, Robert  
L'Heureux, Robert  
Letendre, Evelyn  
Marcinkowski, Michael  
Mercer, Robert  
Morello, Michael  
Pappas, Marc  
Philbrook, Paula  
Showerman, Peter  
Taylor, Paul  
Wells, Peter, Sr.

Aksten, Cheryl  
Arnold, Thomas, Jr.  
Belvin, William  
Brundige, Robert  
Cepaitis, Elizabeth  
Clemons, Jane  
Desmarais, Vivian  
Durham, Susan  
Fenton, James  
LaRose, Gary  
Gotham, Rita  
Hansen, Herbert  
Holden, Carol  
Jean, Loren  
Kirby, Thomas  
LaRose, Richard  
Luebker, Bernard  
Martin, Mary  
Messier, Irene  
O'Hearn, Jane  
Pepino, Leo  
Riley, Frances  
Soucy, Donna  
Thulander, O. Alan  
White, Donald

Allen, W. Gordon  
Asselin, Robert  
Bergeron, Normand  
Buckley, Raymond  
Chabot, Robert  
Cote, David  
Desrosiers, William  
Dyer, Merton  
Ferguson, Charles  
Franks, Suzan  
Goulet, Maurice  
Hart, Nick  
Holley, Sylvia  
Johnson, Lionel  
Krochmal, Mark  
Laughlin, J. Francis  
MacGillivray, Jeffrey  
McMahon, Donald  
Milligan, Robert  
O'Rourke, Joanne  
Perkins, Paul  
Sallada, Roland  
Streeter, Janice  
Toomey, Kathryn  
Worthen, Dorothy

Alukonis, David  
Baroody, Benjamin  
Boutin, David  
Burke, M. Virginia  
Champagne, Norma  
Cote, Peter  
Dodge, Emma  
Emerton, Lawrence, Sr.  
Fields, Dennis  
Gagnon, Eugene  
Haettenschwiller, Alphonse  
Healy, Daniel  
Holt, David  
Kane, Laura  
Kurk, Neal  
Legacy, Earl  
MacIntyre, Doris  
McRae, Karen  
Mittelman, David  
Packard, Bonnie  
Peters, Stanley  
Sargent, Maxwell  
Sullens, Joan  
Turgeon, Roland  
Wright, George

**MERRIMACK**

Adams, Stephen	Barberia, Richard	Brown, Mary	Buessing, Marjorie
Chandler, Earle	Chandler, John	Crosby, Toni	Crowell, Peter
Daneault, Gabriel	Feuerstein, Martin	Hess, David	Holmes, Mary
Jacobson, Alf	Kennedy, Richard	Lamach, Bernard	Langer, Ray
Lockwood, Robert	Moore, Carol	Morrill, Olive	Newland, Matthew
Nichols, Avis	Owen, Derek	Patenaude, Amy	Pfaff, Terence
Pitman, Mary Ellen	Rogers, Katherine	Shaw, Randall	Varsalone, Robert
Wallner, Mary Jane	Warner, Richard	Whalley, Michael	Whittemore, James

**ROCKINGHAM**

Abbott, Dennis	Aranda, M. Kathryn	Arndt, Janet	Attar, Kevin
Battles, Marjorie	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Camm, Kevin	Carson, Gregory	Christie, Andrew, Jr.	Clark, Vivian
Coes, Betsy	Conroy, Janet	Cote, Patricia	Dodge, Robert
Dowd, Sandra	Dunham, Vivian	Fesh, Robert	Flanders, David
Flanders, John, Sr.	Gage, Beverly	Gargiulo, Louis	Goddard, Warren
Haynes, Richard	Henderson, Warren	Hurst, Sharleene	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph
Langley, Jane	Lee, Rebecca	Lovejoy, Marian	Lupien, James
Magoon, Harold	Malcolm, Ken	McCarthy, John, Jr.	McKinney, Betsy
Morris, Debbie	Nowe, Ronald	Noyes, Richard	Packard, Sherman
Putnam, Ed, II	Raynowska, Bernard	Rubin, George	Senter, Merilyn
Simmons, John Anthony	Smith, Arthur	Stone, Joseph	Stritch, C. Donald
Syracusa, Anthony	Sytek, Donna	Sytek, John	Tufts, J. Arthur
Weare, Everett	Welch, David	Weyler, Kenneth	Yennaco, Carol

**STRAFFORD**

Berube, Roger	Brown, George	Chagnon, Ronald	Douglass, Clyde
Dunlap, Patricia	Grassie, Anne	Hanlon, Mark	Knowles, William
Loder, Suzanne	McCann, William, Jr.	McKinley, Robert	Merrill, Amanda
Merriitt, Deborah	Musler, George	Pelletier, Arthur	Reynolds, Charles
Snyder, Clair	Spear, Barbara	Sullivan, Henry	Tessimond, Shane
Torr, Ann	Torr, Ralph	Vincent, Francis	Wall, Janet
Wheeler, Katherine			

**SULLIVAN**

Adler, Rudolf	Behrens, Thomas	Cloutier, John	Flint, Gordon
Krueger, Richard	Lindblade, Eric	Palmer, Lorraine	Schotanus, Merle
Stettenheim, Sandy	Whipple, Allen		

**NAYS 51****BELKNAP**

Golden, Paul	Holbrook, Robert	Turner, Robert
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**CARROLL**

None

**CHESHIRE**

Champagne, Richard	Doucette, Richard	Lynch, Margaret	Manning, Joseph
McGuirk, Paul	McNamara, Wanda	Russell, Ronald	Wollner, Robert

**COOS**

Pratt, Leighton

**GRAFTON**

Crory, Elizabeth	Ham, Bonnie	Lovett, Sidney
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**HILLSBOROUGH**

Andrews, Frederick  
McCarty, Winston  
White, John

Dwyer, Paul, Sr.  
Melcher, Harold

Dykstra, Leona  
Wheeler, Craig

Lozeau, Donnalee  
Wheeler, Robert

**MERRIMACK**

Chandler, Charles  
Willis, Jack

DeStefano, Stephen  
Yeaton, Charles

Dunn, Miriam

Trombly, Rick

**ROCKINGHAM**

Boucher, William  
Gleason, John  
Kruse, Fred  
Scanlon, Edward

Case, Margaret  
Hutchinson, Karen  
Richards, David  
Splaine, James

Clark, Martha  
Kane, Cecelia  
Ross, James  
Vaughn, Charles

Flanagan, Natalie  
Kelley, Jane  
Sabella, Norma

**STRAFFORD**

Callaghan, Frank  
Williams, Howard

DeChane, Marlene

Hambrick, Patricia

Wasson, Richard

**SULLIVAN**

Scott, Robert

and the report was adopted. Ordered to third reading.

Rep. Wollner voted nay and intended to vote yea.

**HB 386**, consolidating state veterans' programs into a department of veterans affairs. **RE-REFER TO COMMITTEE**

Rep. John Flanders for Public Protection and Veterans Affairs: This bill would consolidate the Tilton Veterans Home, the state Veterans Council and the state Veterans Cemetery under a department of Veterans Affairs. It changes titles only of the administrative heads of the respective agencies. The administrators would respond to a Commissioner of Veterans Affairs. This legislation is intended to reduce costs, coordinate services and maintain a common referral source for veterans services. The committee did not have sufficient time to properly study this bill. Therefore, we recommend that the bill be re-referred. Vote 9-2.

Adopted.

**HB 426**, increasing the penalties for felonious use of a firearm. **OUGHT TO PASS**

Rep. James J. Fenton for Public Protection and Veterans Affairs: This bill will set standards for the felonious use of a firearm. It increases the penalty for first offenders from one to two years and from three to four years for subsequent offenses. Vote 6-5.

Adopted and referred to Corrections and Criminal Justice.

**HB 445**, authorizing the director of state police to offer an optional photo or imaged handgun license and setting the license fee. **RE-REFER TO COMMITTEE**

Rep. Leo Pepino for Public Protection and Veterans Affairs: This bill was intended to enact a new optional concealed weapons permit consistent with federal law. Holders of the state-issued permit would be allowed to purchase firearms under the Brady Bill with no waiting period or background check. Applicants for such a permit would be subject to a criminal record background check before issuance of permit. Lack of support from the gun owners of this state prompted the committee to re-refer this bill in order to reach a compromise. Vote 9-2.

Adopted.

**HB 552-FN**, relative to the design and the display of the state flag. **RE-REFER TO COMMITTEE**

Rep. Loren Jean for Public Protection and Veterans Affairs: This bill is a unique opportunity to review the design of our state flag. The committee was presented with some thoughtful alternatives. Therefore, in order to give the sponsors and the issue a responsible decision, the committee wishes to study this bill and receive additional input. The committee recommends that it be re-referred. Vote 10-1.

Adopted.

**HB 369-A**, relative to capital improvements at the Mount Sunapee and Cannon Mountain ski areas and making an appropriation therefor. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. John P. Chandler for the Majority of Public Works and Highways: The original bill proposed certain capital improvements at the two state-operated ski areas. Testimony on this bill revealed that these capital improvements alone would not significantly remedy the shortcomings in these ski areas. As a result, an amendment was offered to lease both ski areas to the private sector, and a hearing was held on this amendment. The seven hours of testimony and a deluge of mail and phone calls to committee members raised many important issues and questions for which answers were not available in the remaining time available to the committee. Consequently, a new amendment was offered and adopted to establish a chartered study committee to investigate the issues and questions raised about leasing and to provide a report and proposed legislation, if any, by November 1, 1995. The study scope is broad enough to define long-range state policy for ski operations, whether or not either site is leased. The possibility of outright sale of any state-owned ski area or park has been put to rest by an opinion rendered by the Attorney General, dated February 9, 1995. Vote 14-6.

Reps. Katherine D. Rogers, Richard F. Ahern, Henry P. Sullivan, John R. Cloutier, Marlene M. DeChane, Paul J. Dwyer, Sr. for the Minority of the Committee on Public Works and Highways: The bill as amended sets up a legislative study committee to "study the feasibility of leasing the Mount Sunapee and Cannon Mountain Ski Areas..." and "submit a report of its findings, including recommendations ... no later than November 1, 1995." The amendment directs the committee to look into all methods and avenues to lease these state owned ski areas. This committee retraces steps first taken by the 1987 Weymouth Committee. The Weymouth Committee, after holding numerous meetings in Concord, at Mount Sunapee, Cannon Mountain, and a public hearing recommended that "the state not sell or lease to private industry Mount Sunapee or Cannon Mountain ski areas." Why is it now necessary for the legislature to again study this issue? What new information will come forward? Doesn't this study simply prolong the discussion of the issue of leasing our state parks? The Legislature has been entrusted with the care of our beautiful state parks; these areas shouldn't be leased to private industry. We are the trustees of the state's natural assets for future generations. Are we to be the first legislature to cast them aside?

### Amendment (1560L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing a committee to study the feasibility of leasing  
the Mount Sunapee and Cannon Mountain ski areas.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court finds that in order to address all of the issues and concerns relating to the lease of one or both state-owned ski areas a thorough study of this proposal is necessary.

2 Ski Area Study Established; Members. There is hereby established a committee to study the feasibility of leasing the Mount Sunapee and Cannon Mountain ski areas. The members of the committee shall be as follows:

I. Six house members, appointed by the speaker of the house, at least 2 of whom shall be members of the public works and highway committee, one of whom shall be a member of the finance committee, and one of whom shall be a member of resources, recreation and development committee.

II. Three senators, appointed by the senate president.

3 Duties. The committee shall be responsible for reviewing the feasibility of leasing the Mount Sunapee and Cannon Mountain ski areas. The scope of the study shall include but shall not be limited to the following:

I. Whether to lease any one or both of the state-owned ski areas.

II. Factors to be considered in awarding a lease.

III. The effect of the leasing on the state employees employed by the ski areas.

IV. The length of the lease.

V. The requirements for capital commitments from the lease.

VI. The disposition and/or maintenance of the equipment located at the 2 ski areas.

VII. Options available for developing the ski areas and the surrounding area.

VIII. Future expansion of the ski areas with consideration given to oversight and approval of future actions.

IX. The relationship between the state park and the ski areas on a year round basis.

X. The continuation of special use discounts.

4 Meetings; Mileage. The first-named house member shall call the first meeting within 30 days of the effective date of this act. The members shall elect a chairperson at the first meeting. Members shall receive legislative mileage.

5 Report. The committee shall submit a report of its findings, including recommendations for legislation, to the speaker of the house, the senate president, the house clerk, the senate clerk, the governor, and the state library, no later than November 1, 1995.

6 Sunset of Committee. The committee shall terminate on November 1, 1995 or when the report is filed.

7 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a committee to study the feasibility of leasing the Mount Sunapee and Cannon Mountain ski areas.

The committee shall submit a report of its findings, including recommendations for legislation, to the speaker of the house, the senate president, the house clerk, the senate clerk, the governor, and the state library, no later than November 1, 1995.

Adopted.

Report adopted and ordered to third reading.

Rep. Behrens declared a conflict of interest and did not participate.

**HB 114-FN**, establishing a brew pub liquor license and fees for the license. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen Avery for Regulated Revenues: There previously was no provision for a "Brew Pub" license in the state statutes. This bill modernizes the law and establishes one license for the establishment of brew pubs that are limited to no more production than 2,500 barrels per year. Vote 14-0.

### Amendment (1119L)

Amend RSA 178:10-a as inserted by section 2 of the bill by replacing all after paragraph II with the following:

III. Each brew pub shall maintain records showing all transactions associated with the business and file reports with the commission on or before the tenth day of the following month, which shall indicate the sales made under paragraphs II.

IV. A brew pub licensee shall pay the same monthly fee as required by RSA 178:30 for each gallon of alcoholic beverage transferred to, sold, or furnished in its full service restaurant. Fees shall be paid to the commission on or before the tenth day of the following month.

V. The annual fee for a brew pub license shall be the same as required for a beverage manufacturer under RSA 178:27.

Adopted.

Rep. Dykstra offered a floor amendment.

### Floor Amendment (1723L)

Amend RSA 178:10-a, as inserted by section 2 of the bill by inserting after paragraph III the following new paragraph:

III-a. Notwithstanding paragraph II, brew pub licensees may transfer beverage to no more than 2 on-sale licensees in this state, owned by the same licensed entity as the brew pub.

Rep. Dykstra spoke in favor.

Reps. Avery and Behrens spoke against and yielded to questions.

Rep. Reidy requested a roll call; sufficiently seconded. The question being the adoption of the floor amendment.



**YEAS 177 - NAYS 178****YEAS 177****BELKNAP**

Dewhirst, Glenn  
Rice, Thomas, Jr.  
Wendelboe, Francine

Golden, Paul  
Smith, Linda

Johnson, James  
Thomas, John

Laflam, Robert  
Turner, Robert

**CARROLL**

Babson, David, Jr.  
Mock, Henry

Dickinson, Howard, Jr.  
Patten, Betsey

Howard, Godfrey

Kenney, Joseph

**CHESHIRE**

Feuer, Joseph  
Manning, Joseph  
Robertson, Timothy

Kingsbury, H. Thayer  
McGuirk, Paul  
Steere, Myron, III

Laurent, John  
McNamara, Wanda

Lynch, Margaret  
Metzger, Katherine

**COOS**

Davis, Perley

Pratt, Leighton

**GRAFTON**

Below, Clifton  
Copenhaver, Marion  
Lovett, Sidney  
Tucker, John

Chase, Paul, Jr.  
Crory, Elizabeth  
Mirski, Paul  
Williams, John, Jr.

Cobbin, Philip  
Ham, Bonnie  
Phinney, William

Connolly, Steven  
Hill, Richard  
Trelfa, Richard

**HILLSBOROUGH**

Aksten, Cheryl  
Belvin, William  
Chabot, Robert  
Cote, Peter  
Dokmo, Cynthia  
Fenton, James  
Gibson, John  
Jean, Loren  
LaRose, Richard  
MacGillivray, Jeffrey  
McMahon, Donald  
Mittelman, David  
Riley, Frances  
Thulander, O. Alan  
Worthen, Dorothy

Allen, W. Gordon  
Boutin, David  
Champagne, Norma  
Daniels, Gary  
Dykstra, Leona  
Foster, Linda  
Goulet, Maurice  
Johnson, Lionel  
Legacy, Earl  
MacIntyre, Doris  
McRae, Karen  
Morello, Michael  
Sargent, Maxwell  
Turgeon, Roland  
Wright, George

Arnold, Thomas, Jr.  
Bridgewater, Charles  
Clegg, Robert, Jr.  
Desmarais, Vivian  
Emerton, Lawrence, Sr.  
Francoeur, Gary  
Hallyburton, Margaret  
Krochmal, Mark  
Letendre, Evelyn  
Marcinkowski, Michael  
Melcher, Harold  
Pappas, Marc  
Showerman, Peter  
Wells, Peter, Sr.

Barry, Janet  
Burke, M. Virginia  
Clemons, Jane  
Desrosiers, William  
Feng, David  
Gagnon, Eugene  
Hansen, Herbert  
L'Heureux, Robert  
Luebker, Bernard  
McCarty, Winston  
Messier, Irene  
Pepino, Leo  
Taylor, Paul  
Wheeler, Craig

**MERRIMACK**

Adams, Stephen  
Chandler, Charles  
Fraser, Marilyn  
Little, Michael  
Rogers, Katherine  
Whalley, Michael

Barberia, Richard  
Chandler, Earle  
Jacobson, Alf  
Morrill, Olive  
Shaw, Randall  
Whittemore, James

Brown, Mary  
Crosby, Toni  
Lamach, Bernard  
Owen, Derek  
Varsalone, Robert  
Yeaton, Charles

Buessing, Marjorie  
Crowell, Peter  
Langer, Ray  
Pitman, Mary Ellen  
Warner, Richard

**ROCKINGHAM**

Abbott, Dennis  
Boucher, William  
Dodge, Robert  
Haynes, Richard  
Kelley, Jane

Aranda, M. Kathryn  
Camm, Kevin  
Fesh, Robert  
Henderson, Warren  
Kobel, Rudolph

Beaulieu, Jon  
Christie, Andrew, Jr.  
Gage, Beverly  
Hurst, Sharleene  
Langley, Jane

Bishop, Franklin  
Conroy, Janet  
Goddard, Warren  
Katsakiores, Phyllis  
Lupien, James

Malcolm, Ken  
Noyes, Richard  
Senter, Marilyn  
Weare, Everett

McKinney, Betsy  
Packard, Sherman  
Simmons, John Anthony  
Weyler, Kenneth

Morris, Debbie  
Raynowska, Bernard  
Smith, Arthur  
Yennaco, Carol

Nowe, Ronald  
Rubin, George  
Vaughn, Charles

### STRAFFORD

Brown, George  
Keans, Sandra  
Snyder, Clair  
Wasson, Richard

DeChane, Marlene  
Knowles, William  
Tessimond, Shane  
Williams, Howard

Grassie, Anne  
Loder, Suzanne  
Torr, Franklin

Hanlon, Mark  
Reynolds, Charles  
Torr, Ralph

### SULLIVAN

Flint, Gordon  
Stettenheim, Sandy

Lindblade, Eric  
Whipple, Allen

Palmer, Lorraine

Scott, Robert

### NAYS 178

### BELKNAP

Bartlett, Gordon  
Lawton, David

Boriso, Thomas  
Lawton, Robert

Holbrook, Robert  
Rosen, Ralph

Hurt, George  
Ziegra, Alice

### CARROLL

Beach, Mildred  
Foster, Robert

Bradley, Jeb  
Lyman, L. Randy

Chandler, Gene  
Philbrick, Donald

Cooper, Kipp

### CHESHIRE

Avery, Stephen  
DePecol, Benjamin  
Riley, William  
Wollner, Robert

Burnham, Daniel  
Doucette, Richard  
Royce, H. Charles

Champagne, Richard  
Hunt, John  
Russell, Ronald

Cole, Stacey  
Pratt, Irene  
Smith, Edwin

### COOS

Bradley, Paula  
Mears, Edgar

Guay, Lawrence  
Merrill, Gerald

Hawkinson, Marie

Horton, Lynn

### GRAFTON

Adams, Carl  
LaMott, Paul  
Scanlan, David

Bean, Pamela  
Larson, Nils, Jr.  
Teschner, Douglass

Brown, Alson  
MacNeil, Allen

Eaton, Stephanie  
Nordgren, Sharon

### HILLSBOROUGH

Ahern, Richard  
Asselin, Robert  
Buckley, Raymond  
Dodge, Emma  
Dyer, Merton  
Gotham, Rita  
Herman, Keith  
Jean, Claudette  
Kurk, Neal  
Martin, Mary  
O'Rourke, Joanne  
Philbrook, Paula  
Streeter, Janice  
White, Donald

Alukonis, David  
Baroody, Benjamin  
Calawa, Leon, Jr.  
Drabinowicz, A. Theresa  
Ferguson, Charles  
Haettenschwiller, Alphonse  
Holden, Carol  
Kane, Laura  
Laughlin, J. Francis  
Mercer, Robert  
Packard, Bonnie  
Reidy, Frank  
Sullens, Joan  
White, John

Amidon, Eleanor  
Bergeron, Normand  
Cepaitis, Elizabeth  
Durham, Susan  
Fields, Dennis  
Hart, Nick  
Holley, Sylvia  
Kelley, Robert  
Lefebvre, Roland  
Milligan, Robert  
Perkins, Paul  
Sallada, Roland  
Toomey, Kathryn

Andrews, Frederick  
Brundige, Robert  
Cote, David  
Dwyer, Paul, Sr.  
Franks, Suzan  
Healy, Daniel  
Holt, David  
Kirby, Thomas  
Lozeau, Donnalee  
O'Hearn, Jane  
Peters, Stanley  
Soucy, Donna  
Wheeler, Robert

### MERRIMACK

Chandler, John  
Feuerstein, Martin  
Lockwood, Robert  
Patenaude, Amy  
Willis, Jack

Daneault, Gabriel  
Hess, David  
Moore, Carol  
Pfaff, Terence

DeStefano, Stephen  
Holmes, Mary  
Newland, Matthew  
Trombly, Rick

Dunn, Miriam  
Kennedy, Richard  
Nichols, Avis  
Wallner, Mary Jane

**ROCKINGHAM**

Arndt, Janet	Attar, Kevin	Battles, Marjorie	Belanger, Ronald
Case, Margaret	Clark, Martha	Clark, Vivian	Coes, Betsy
Cote, Patricia	Dowd, Sandra	Dunham, Vivian	Flanagan, Natalie
Flanders, David	Flanders, John, Sr.	Gleason, John	Hutchinson, Karen
Johnson, Robert	Kane, Cecelia	Katsakiores, George	Klemm, Arthur, Jr.
Kruse, Fred	Lee, Rebecca	Magoon, Harold	McCarthy, John, Jr.
McGovern, Cynthia	Putnam, Ed, II	Richards, David	Ross, James
Sabella, Norma	Scanlon, Edward	Splaine, James	Stone, Joseph
Stritch, C. Donald	Syracusa, Anthony	Sytek, Donna	Sytek, John
Tufts, J. Arthur	Welch, David		

**STRAFFORD**

Berube, Roger	Callaghan, Frank	Chagnon, Ronald	Douglass, Clyde
Bunlap, Patricia	Hambrick, Patricia	Hilliard, Dana	McCann, William, Jr.
McKinley, Robert	Merrill, Amanda	Merritt, Deborah	Musler, George
Pelletier, Arthur	Spear, Barbara	Steadman, Frederick	Sullivan, Henry
Torr, Ann	Vincent, Francis	Wall, Janet	Wheeler, Katherine

**SULLIVAN**

Adler, Rudolf	Behrens, Thomas	Cloutier, John	Krueger, Richard
Schotanus, Merle			

and the floor amendment failed.

Report adopted and ordered to third reading.

**HB 536-FN-A-L**, designating certain taxes and revenue to fund public kindergarten. **IN-EXPEDIENT TO LEGISLATE**

Rep. Stephen Avery for Regulated Revenues: The Governor has addressed the funding of kindergarten in his budget and the committee does not want to start an additional dedicated fund for education. Vote 11-1.

Adopted.

**HB 599-FN**, licensing, regulating and taxing video gambling machine use. **RE-REFER TO COMMITTEE**

Rep. Stephen Avery for Regulated Revenues: The committee wants to keep a vehicle in order to study the myriad of video gambling bills that have been introduced this session and to be able to introduce any needed legislation in the future concerning gambling. Vote 10-3.

Rep. Avery spoke in favor.

Adopted.

**HB 602-FN**, authorizing the pari-mutuel commission to license electronic games of chance at certain pari-mutuel facilities. **INEXPEDIENT TO LEGISLATE**

Rep. Leona Dykstra for Regulated Revenues: The majority of the committee voted to kill this bill which addressed gambling at race tracks only. Some committee members voted against the bill because they choose to pass HB 599, which addressed statewide gambling as a vehicle for further discussion of gambling next year. Other members of the committee voted against HB 602 because they are opposed to any further expansion of gambling in New Hampshire. Vote 9-4.

Reps. Milligan and McGuirk spoke against.

Reps. Dykstra and Avery spoke in favor.

Adopted.

**HB 168-FN-A**, authorizing the department of fish and game to acquire land on Squam Lake for the purpose of providing public access and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sidney Lovett for Resources, Recreation and Development: This bill resulted from a study committee authorized at the last session regarding public boating access to Squam Lakes. It creates a trust similar to the Land Conservation Investment Program for the purpose of seek-

ing private contributions of money or land to be matched by the Department of Fish and Game. It keeps this high priority public-access need available by way of private/public cooperation. Vote 14-0.

### **Amendment (1567L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

establishing the Squam Lakes Public Access Trust Program.

Amend the bill by replacing all after the enacting clause with the following:

I New Chapter; Squam Lakes Public Access Trust Program Established. Amend RSA by inserting after chapter 271-A the following new chapter:

#### **CHAPTER 271-B**

#### **SQUAM LAKES PUBLIC ACCESS TRUST PROGRAM**

271-B:1 Program Established; Intent. There is established the Squam Lakes public access trust. The intent of the trust is to provide public access to the Squam Lakes, state-owned public bodies of water as provided in RSA 271:20, I, assuring that all members of the public shall have access to the Squam Lakes for recreational purposes. This trust is organized exclusively for religious, charitable, scientific, literary, or educational purposes within the meaning of those terms as used in section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and no part of the net earnings shall inure to the benefit of any private shareholder or individual. In addition, but in no way limiting the enumerated purposes of this trust, it is established for recreational access purposes. In the event that the trust is dissolved then the assets shall be paid to the Squam Lakes Association or another designated nonprofit organization. If the purpose of the trust becomes impossible, impractical or illegal to administer, the attorney general shall file a petition for cy pres with the probate court.

271-B:2 Program Administratively Attached. The program shall be administratively attached to the office of state planning pursuant to RSA 21-G:10.

271-B:3 Board of Directors; Members; Quorum; Limitation on Liability.

I. The Squam Lakes public access trust shall be administered by a board of directors composed of 13 members. Board membership shall be as follows:

- (a) Two members of the senate, appointed by the senate president.
- (b) Two members of the house of representatives, appointed by the speaker of the house.
- (c) A selectman, representing Holderness, Ashland, Center Harbor, Sandwich or Moultonboro, appointed by the house members appointed in paragraph I(b).
- (d) One member from the public water access advisory board, appointed by the board.
- (e) One member from the lakes region planning commission, appointed by the commission.

(f) One member of the Squam Lakes Association.

(g) One person representing the Society for the Protection of New Hampshire Forests, appointed by the society.

(h) The director of the office of state planning, or designee.

(i) The executive director of the department of fish and game, or designee.

(j) The commissioner of the department of environmental services, or designee.

(k) The state treasurer, or designee.

II. Members appointed under subparagraph I(f) through (k) shall be advisory, nonvoting members.

III. The terms of the state members and the members of the senate and the house of representatives shall be coterminous with their terms in office. Members appointed under subparagraphs I(c)-(g) shall serve a 3-year term. Vacancies shall be filled for the unexpired term of office in the same manner as the original appointment. Members may serve successive terms, and the legislative members shall be reimbursed for mileage at the legislative rate.

IV. Four voting members shall constitute a quorum. Decisions shall be made by a majority of the members present and voting. Each member appointed under subparagraphs I(a)-(e) shall have one vote in matters before the board. The board shall meet quarterly and at such other times as may be deemed necessary by the chairperson.

V. Voting members shall not be subject to civil liability for acts performed in accordance with their official duties under this chapter.

271-B:4 Powers and Duties of the Board of Directors. The board of directors may:

I. Adopt procedures for identifying and acquiring lands, easements, development rights and other interests in lands after consulting with the New Hampshire fish and game department for the purposes of this chapter.

II. After approval by the governor and council, enter into contracts with private entities for services necessary to carry out the purposes of this chapter, whether or not compensation is required.

III. Oversee, direct, and expend funds deposited in the trust fund of the Squam Lakes public access trust in accordance with the purposes of this chapter. This includes, but shall not be limited to, the authority to draw upon funds for acquisition of lands, and related improvements. All expenditures for the acquisition of lands, easements, development rights and other interests in land under this chapter shall be subject to the approval of the governor and council.

IV. Accept gifts and donations of money, including money from appropriate fundraising activities, lands, interests in lands; federal, state, local, private and other matching funds and incentives; and other assets to be deposited in the fund for purposes of this chapter.

V. After approval by the governor and council, acquire or dispose of an asset, for cash or credit, at public or private sale, manage, develop, improve, exchange, partition, adjust boundaries, encumber, mortgage, or pledge a trust asset or any interest therein, dedicate easements to public use with or without consideration, in the exercise of any power vested in the board of directors.

271-B:5 Trust Fund Established; Administration.

I. There is established in the office of the state treasurer the trust fund of the Squam Lakes public access trust program. Moneys in the fund shall be used for the purposes of this chapter and shall not be used for any other purpose.

II. The state treasurer is directed to invest the sums deposited in the fund in a prudent manner consistent with the purposes of this chapter. Interest earned on moneys in this fund shall accrue to the fund to the extent allowed under federal law.

III. No funds of any state agency shall be transferred to the trust fund without specific authorization from the general court except for federal funds accepted by the governor and council for purposes similar to those of this chapter.

271-B:6 Reports. The board shall prepare an annual report to be presented no later than December 1 of each year to the speaker of the house, the president of the senate, and the governor and council. The report shall include a complete financial accounting of the funds in the trust including expenditures for the most recent full fiscal year. The report shall also summarize managing activities and findings conducted in the most recent full fiscal year.

271-B:7 Acquisition, Criteria and Guidelines. The criteria and guidelines adopted by rule under the provisions of this chapter for acquiring lands and interest in lands shall include, but shall not be limited to, the following:

I. The land allows for public boating access to Squam Lake.

II. The land is contiguous to or enhances land acquired under paragraph I.

III. Nothing in this section shall be construed to require that each acquisition of land or interest in land under this chapter must meet all the criteria listed in this section.

271-B:8 Management. All use of lands and interest in lands acquired by this program shall be assigned to the state by grant or easement. Management in the public interest in accordance with the purpose of this chapter shall not be undertaken by the trust, but may be assigned to a not-for-profit organization after consultation with the department of fish and game.

271-B:9 Public Trust. The lands and interest in lands acquired through the use of the trust fund for the trust shall be held in public trust and used and applied for the purposes of this chapter. Notwithstanding any other provision of law relating to the disposal of publicly-owned real estate, no deviation in the uses of any land or interest in land so acquired for uses or purposes not consistent with the purposes of this chapter shall be permitted.

271-B:10 Public Access; Liability. No person, or successor in title, who has granted sole rights of public access by virtue of an easement, right of way, development right, or other means in accordance with the purposes of this chapter shall be liable to a user of that right of access for injuries suffered on that portion of the access way unless those injuries are caused by the willful or wanton misconduct of the grantor or successor in title.

271-B:11 Notification; Public Hearing. Prior to the acquisition in fee under this chapter of any land by the state for permanent state ownership the board of directors shall notify by certified mail, return receipt requested, the governing body of the municipality in which the land to be acquired is located. Upon receipt of such notice, the governing body of the municipality shall post a public notice of the proposed land acquisition. The board shall allow at least 45 days from receipt of certified notice, for a response from the governing body of the municipality prior to making any decision on the proposed acquisition.

## 2 Transfer of Funds.

I. Notwithstanding the provisions of RSA 271-B:5, III, the department of fish and game shall transfer funds from the state-wide public boat access fund to the trust as follows:

- (a) \$150,000 when the trust corpus is in excess of \$150,000 from other sources.
- (b) \$50,000 when the trust corpus is in excess of \$350,000.
- (c) \$50,000 when the trust corpus is in excess of \$450,000.
- (d) \$50,000 when the trust corpus is in excess of \$550,000.

II. These funds shall be used to provide boating access on Squam Lakes.

3 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill establishes the Squam Lakes Public Access Trust Program.

The program is designed to provide public boating access to the Squam Lakes.

Adopted.

Report adopted and referred to Finance.

**HB 584-FN-L**, relative to payment in lieu of taxes for the dam owned by the division of water resources in Pittsburg and Clarksville. **OUGHT TO PASS WITH AMENDMENT**

Rep. William E. Williams, Jr. for Resources, Recreation and Development: This bill will bring in line the amount of the payment in lieu of taxes paid by the State to Pittsburg and Clarksville for Murphy Dam. The present payment amount is \$12,500 and has been in place since 1955. The committee felt that the payment should be increased to a compromise figure of \$40,000 when considering the existing State leases, actual value of the existing payment and the value of the hydro-water. Vote 13-0.

## Amendment (1522L)

Amend the bill by replacing section 1 with the following:

1 Payments in Lieu of Taxes Increased. Amend RSA 481:14 to read as follows:

481:14 Tax Exemption. All property and rights acquired by the division shall be exempt from all taxation, but the division shall make payments, on or before December 1 in each year, to each town or city in which property or rights acquired by the division are located. Such sums shall be based on the tax rate then current in each town or city and on the average assessed valuation for a period of 5 years prior to the acquisition by the division; provided that when a town or city [wherein] *in which* division land is located shall have made a general revaluation of property for tax assessment purposes, then the new values shall be used for the determination of the sums as would have been assessed against [said] *the* property and rights in such town or city if the same had been included in the tax invoice for such year. Betterments, changes in land use or new structures are exempted and shall not be used for the determination of such sums to be paid in lieu of taxes. Provided, however, that the provisions of this section shall not apply to the dam and any appurtenances thereto owned by [said] *the* division and located in the towns of Pittsburg and Clarksville, and there shall be paid annually to said towns the sum of [\$12,500] **\$40,000** in lieu of taxes, said sum to be apportioned between [said] *the* towns in the same ratio that the value of that portion of [said] *the* dam and any appurtenances thereto located in each town bears to the total value of [said] *the* dam and any appurtenances thereto as determined by the tax assessors of [said] *the* towns.

## AMENDED ANALYSIS

This bill increases from \$12,500 to \$40,000 the annual payment in lieu of taxes which the division of water resources must make for the dam and appurtenances which it owns in Pittsburg and Clarksville.

Adopted.

Report adopted and referred to Finance.

**HB 605-FN**, requiring boating safety education. RE-REFER TO COMMITTEE

Rep. Peter O. Crowell for Resources, Recreation and Development: The question of boater safety education posed by the bill is appropriate. We feel that the topic is very broad, that more time is needed to study the issue and that the committee could better address the subject outside of the narrow time constraints of the legislative session. Numerous other states have either enacted or are considering boater safety legislation. These should be reviewed before any legislation is recommended. Vote 13-0.

Adopted.

**HB 367**, to promote the use of the metric system in certain public and private entities. **ought to pass with amendment**

Rep. John H. Thomas for Science, Technology and Energy: The intent of the amendment is to soften the language of the bill to ensure that there is no interpretation by any department, board or rule-making body that this bill is a mandate. The committee believes that learning the metric system will increase New Hampshire's advantage in dealing with the global economy. Vote 11-2.

**Amendment (1110L)**

Amend the bill by replacing sections 1 and 2 with the following:

**1 Department of Education.**

I. Within the confines of its budget and without additional appropriations, the department of education shall encourage school districts to:

(a) Continue to expand curricula which are already actively promoting metric use.

(b) Ensure that teachers are adequately trained in the use of the metric system.

(c) Beginning in fiscal year 1997, issue all purchase orders using metric units and request that all labels and containers use metric units.

II. The department of education shall estimate the potential costs to the school districts of converting books, laboratory and shop equipment, classroom equipment and supplies to the metric system.

2 Department of Agriculture and Department of Transportation. All state agencies are encouraged to use the metric system in procurements, grants, and other business related activity. Within the confines of its budget and without additional appropriation, the department of agriculture shall assist agencies in the procurement process. Within the confines of its budget and without additional appropriation, the department of transportation should make available suitable information to assist municipalities in the use of the metric system if such assistance is requested.

Adopted.

Report adopted and ordered to third reading.

**HCR 3**, relative to population policy and environmental preservation. **INEXPEDIENT TO LEGISLATE**

Rep. Dennis H. Fields for State-Federal Relations: The committee was divided regarding some of the details of this resolution. While many on the committee agreed with the substance of the resolution, there was reluctance to ask the Federal government to increase funding at this time of serious budget deficits. Attempts at compromise language proved unsuccessful. Vote 7-5.

Rep. Jacobson spoke against.

Rep. Gage spoke in favor and yielded to questions.

Rep. Herman requested a roll call; sufficiently seconded. The question being the adoption of the report.

**YEAS 247 - NAYS 101**

**YEAS 247**

**BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Lawton, Robert  
Wendelboe, Francine

Boriso, Thomas  
Hurt, George  
Rosen, Ralph  
Ziegler, Alice

Dewhirst, Glenn  
Johnson, James  
Thomas, John

Golden, Paul  
Lawton, David  
Turner, Robert

**CARROLL**

Babson, David, Jr.  
Cooper, Kipp  
Kenney, Joseph  
Philbrick, Donald

Beach, Mildred  
Dickinson, Howard, Jr.  
Lyman, L. Randy

Bradley, Jeb  
Foster, Robert  
Mock, Henry

Chandler, Gene  
Howard, Godfrey  
Patten, Betsey

**CHESHIRE**

Avery, Stephen  
Hunt, John  
Metzger, Katherine

Cole, Stacey  
Laurent, John  
Royce, H. Charles

DePecol, Benjamin  
Manning, Joseph  
Smith, Edwin

Feuer, Joseph  
McNamara, Wanda  
Steere, Myron, III

**COOS**

Davis, Perley

Merrill, Gerald

Pratt, Leighton

**GRAFTON**

Adams, Carl  
Ham, Bonnie  
MacNeil, Allen  
Teschner, Douglass

Bean, Pamela  
Hill, Richard  
Mirski, Paul  
Trelfa, Richard

Cobbin, Philip  
LaMott, Paul  
Phinney, William  
Williams, William, Jr.

Connolly, Steven  
Larson, Nils, Jr.  
Scanlan, David

**HILLSBOROUGH**

Aksten, Cheryl  
Arnold, Thomas, Jr.  
Brundige, Robert  
Chabot, Robert  
Daniels, Gary  
Dokmo, Cynthia  
Emerton, Lawrence, Sr.  
Francoeur, Gary  
Goulet, Maurice  
Hart, Nick  
Holley, Sylvia  
Kelley, Robert  
L'Heureux, Robert  
Lozeau, Donnalee  
Marcinkowski, Michael  
Mercer, Robert  
Packard, Bonnie  
Peters, Stanley  
Sargent, Maxwell  
Thulander, O. Alan  
White, Donald

Alukonis, David  
Belvin, William  
Burke, M. Virginia  
Champagne, Norma  
Desmarais, Vivian  
Durham, Susan  
Feng, David  
Gagnon, Eugene  
Haettenschwiler, Alphonse  
Healy, Daniel  
Holt, David  
Kirby, Thomas  
LaRose, Richard  
Luebker, Bernard  
Martin, Mary  
Mittelman, David  
Pappas, Marc  
Reidy, Frank  
Showerman, Peter  
Turgeon, Roland  
Worthen, Dorothy

Amidon, Eleanor  
Boutin, David  
Calawa, Leon, Jr.  
Clegg, Robert, Jr.  
Desrosiers, William  
Dyer, Merton  
Ferguson, Charles  
Gibson, John  
Hallyburton, Margaret  
Herman, Keith  
Johnson, Lionel  
Krochmal, Mark  
Legacy, Earl  
MacGillivray, Jeffrey  
McMahon, Donald  
Morello, Michael  
Pepino, Leo  
Riley, Frances  
Sullens, Joan  
Wells, Peter, Sr.  
Wright, George

Andrews, Frederick  
Bridgewater, Charles  
Cepaitis, Elizabeth  
Cote, Peter  
Dodge, Emma  
Dykstra, Leona  
Fields, Dennis  
Gotham, Rita  
Hansen, Herbert  
Holden, Carol  
Kane, Laura  
Kurk, Neal  
Letendre, Evelyn  
MacIntyre, Doris  
McRae, Karen  
O'Hearn, Jane  
Perkins, Paul  
Sallada, Roland  
Taylor, Paul  
Wheeler, Robert

**MERRIMACK**

Adams, Stephen  
Chandler, Earle  
Holmes, Mary  
Lockwood, Robert  
Pfaff, Terence  
Warner, Richard

Barberia, Richard  
Crowell, Peter  
Kennedy, Richard  
Morrill, Olive  
Pitman, Mary Ellen  
Whalley, Michael

Brown, Mary  
DeStefano, Stephen  
Langer, Ray  
Nichols, Avis  
Shaw, Randall  
Whittemore, James

Buessing, Marjorie  
Feuerstein, Martin  
Little, Michael  
Patenaude, Amy  
Varsalone, Robert  
Willis, Jack

**ROCKINGHAM**

Aranda, M. Kathryn  
Belanger, Ronald  
Case, Margaret  
Cote, Patricia  
Fesh, Robert

Arndt, Janet  
Boucher, William  
Christie, Andrew, Jr.  
Dodge, Robert  
Flanagan, Natalie

Attar, Kevin  
Camm, Kevin  
Clark, Vivian  
Dowd, Sandra  
Flanders, David

Beaulieu, Jon  
Carson, Gregory  
Conroy, Janet  
Dunham, Vivian  
Flanders, John, Sr.



Gage, Beverly  
Hutchinson, Karen  
Klemm, Arthur, Jr.  
Magoon, Harold  
Morris, Debbie  
Putnam, Ed, II  
Rubin, George  
Smith, Arthur  
Sytek, Donna  
Welch, David

Haynes, Richard  
Johnson, Robert  
Kobel, Rudolph  
Malcolm, Ken  
Nowe, Ronald  
Raynowska, Bernard  
Scanlon, Edward  
Stone, Joseph  
Sytek, John  
Weyler, Kenneth

Henderson, Warren  
Katsakiores, George  
Langley, Jane  
McCarthy, John, Jr.  
Noyes, Richard  
Richards, David  
Senter, Marilyn  
Stritch, C. Donald  
Tufts, J. Arthur  
Yennaco, Carol

Hurst, Sharleene  
Katsakiores, Phyllis  
Lupien, James  
McKinney, Betsy  
Packard, Sherman  
Ross, James  
Simmons, John Anthony  
Syracusa, Anthony  
Weare, Everett

### STRAFFORD

Berube, Roger  
Dunlap, Patricia  
Spear, Barbara  
Torr, Franklin  
Williams, Howard

Brown, George  
Hanlon, Mark  
Steadman, Frederick  
Torr, Ralph

Callaghan, Frank  
McKinley, Robert  
Sullivan, Henry  
Vincent, Francis

Douglass, Clyde  
Reynolds, Charles  
Torr, Ann  
Wasson, Richard

### SULLIVAN

Adler, Rudolf  
Palmer, Lorraine

Behrens, Thomas  
Schotanus, Merle

Flint, Gordon  
Scott, Robert

Lindblade, Eric

### NAYS 101

### BELKNAP

Laflam, Robert

Rice, Thomas, Jr.

Smith, Linda

### CARROLL

None

### CHESHIRE

Burnham, Daniel  
Lynch, Margaret  
Robertson, Timothy

Champagne, Richard  
McGuirk, Paul  
Russell, Ronald

Doucette, Richard  
Pratt, Irene  
Wollner, Robert

Kingsbury, H. Thayer  
Riley, William

### COOS

Bradley, Paula

Hawkinson, Marie

Mears, Edgar

### GRAFTON

Below, Clifton  
Copenhaver, Marion  
Nordgren, Sharon

Brown, Alson  
Crory, Elizabeth  
Tucker, John

Brown, Channing  
Eaton, Stephanie

Chase, Paul, Jr.  
Lovett, Sidney

### HILLSBOROUGH

Ahern, Richard  
Barry, Janet  
Cote, David  
Jean, Claudette  
McCarty, Winston  
O'Rourke, Joanne  
White, John

Allen, W. Gordon  
Bergeron, Normand  
Drabinowicz, A. Theresa  
Jean, Loren  
Melcher, Harold  
Philbrook, Paula

Asselin, Robert  
Buckley, Raymond  
Dwyer, Paul, Sr.  
Laughlin, J. Francis  
Messier, Irene  
Soucy, Donna

Baroody, Benjamin  
Clemons, Jane  
Foster, Linda  
Lefebvre, Roland  
Milligan, Robert  
Streeter, Janice

### MERRIMACK

Chandler, Charles  
Dunn, Miriam  
Lamach, Bernard  
Rogers, Katherine

Chandler, John  
Fraser, Marilyn  
Moore, Carol  
Trombly, Rick

Crosby, Toni  
Hess, David  
Newland, Matthew  
Wallner, Mary Jane

Daneault, Gabriel  
Jacobson, Alf  
Owen, Derek  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Battles, Marjorie	Bishop, Franklin	Clark, Martha
Coes, Betsy	Gleason, John	Goddard, Warren	Kane, Cecelia
Kelley, Jane	Kruse, Fred	McGovern, Cynthia	Sabella, Norma
Splaine, James	Vaughn, Charles		

**STRAFFORD**

Chagnon, Ronald	DeChane, Marlene	Grassie, Anne	Hambrick, Patricia
Hilliard, Dana	Keans, Sandra	Knowles, William	Loder, Suzanne
McCann, William, Jr.	Merrill, Amanda	Merritt, Deborah	Pelletier, Arthur
Snyder, Clair	Tessimond, Shane	Wall, Janet	Wheeler, Katherine

**SULLIVAN**

Cloutier, John	Stettenheim, Sandy	Whipple, Allen
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and the report was adopted.

Reps. Fenton and Krueger did not vote and intended to vote Yea.

**SPECIAL ORDER**

**HB 644-FN-L**, relative to fees for issuing low digit and single letter license plates and using the funds to provide financial aid to cities and towns for transporting school children to kindergarten. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Lupien for Transportation: The committee voted unanimously to defeat this proposal for numerous reasons: (1) although present low-digit plate holders could keep their plates, an annual fee up to \$1,000 would be necessary to retain it; (2) many of these plates have been in families for decades and belong to senior citizens least capable of paying a fee; (3) the bill fails to answer important questions about the lottery, i.e., how? when? etc., and fails to grant the director the authority to make rules pertaining thereto, and; (4) directing the proceeds to kindergarten transportation may be a misapplication of highway funds contrary to Part II, Article 6-a of the New Hampshire Constitution. Vote 14-0.

Rep. Trombly spoke against and yielded to questions.

Reps. Kobel and Mock spoke in favor.

Rep. Tessimond requested a roll call; sufficiently seconded. The question being the adoption of the report.

**YEAS 229 - NAYS 106****YEAS 229****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Golden, Paul	Holbrook, Robert
Hurt, George	Johnson, James	Laflam, Robert	Lawton, David
Lawton, Robert	Rice, Thomas, Jr.	Rosen, Ralph	Smith, Linda
Thomas, John	Turner, Robert	Wendelboe, Francine	Ziegra, Alice

**CARROLL**

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cooper, Kipp	Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey
Kenney, Joseph	Lyman, L. Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald			

**CHESHIRE**

Avery, Stephen	Cole, Stacey	Feuer, Joseph	Hunt, John
Laurent, John	Manning, Joseph	McNamara, Wanda	Metzger, Katherine
Royce, H. Charles	Smith, Edwin	Steere, Myron, III	

**COOS**

Davis, Perley	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
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**GRAFTON**

Adams, Carl  
Cobbin, Philip  
LaMott, Paul  
Phinney, William

Bean, Pamela  
Connolly, Steven  
Larson, Nils, Jr.  
Scanlan, David

Brown, Alson  
Eaton, Stephanie  
MacNeil, Allen  
Teschner, Douglass

Brown, Channing  
Hill, Richard  
Mirski, Paul  
Williams, William, Jr.

**HILLSBOROUGH**

Ahern, Richard  
Andrews, Frederick  
Boutin, David  
Calawa, Leon, Jr.  
Cote, Peter  
Dodge, Emma  
Emerton, Lawrence, Sr.  
Fields, Dennis  
Gotham, Rita  
Holden, Carol  
Johnson, Lionel  
LaRose, Richard  
Lozeau, DonnaLee  
McMahon, Donald  
O'Hearn, Jane  
Riley, Frances  
Sullens, Joan  
Wheeler, Robert

Aksten, Cheryl  
Arnold, Thomas, Jr.  
Bridgewater, Charles  
Cepaitis, Elizabeth  
Daniels, Gary  
Dokmo, Cynthia  
Feng, David  
Francoeur, Gary  
Goulet, Maurice  
Holley, Sylvia  
Kelley, Robert  
Lefebvre, Roland  
Luebker, Bernard  
McRae, Karen  
Pappas, Marc  
Sargent, Maxwell  
Taylor, Paul  
White, Donald

Alukonis, David  
Barry, Janet  
Brundige, Robert  
Chabot, Robert  
Desmarais, Vivian  
Dyer, Merton  
Fenton, James  
Gagnon, Eugene  
Hansen, Herbert  
Holt, David  
Krochmal, Mark  
Legacy, Earl  
MacGillivray, Jeffrey  
Mercer, Robert  
Peters, Stanley  
Showerman, Peter  
Thulander, O. Alan  
Worthen, Dorothy

Amidon, Eleanor  
Belvin, William  
Burke, M. Virginia  
Clegg, Robert, Jr.  
Desrosiers, William  
Dykstra, Leona  
Ferguson, Charles  
Gibson, John  
Herman, Keith  
Jean, Loren  
Kurk, Neal  
Letendre, Evelyn  
MacIntyre, Doris  
Milligan, Robert  
Philbrook, Paula  
Streeter, Janice  
Turgeon, Roland  
Wright, George

**MERRIMACK**

Adams, Stephen  
Chandler, Earle  
Holmes, Mary  
Langer, Ray  
Nichols, Avis  
Shaw, Randall  
Whittemore, James

Barberia, Richard  
Chandler, John  
Jacobson, Alf  
Lockwood, Robert  
Patenaude, Amy  
Varsalone, Robert  
Willis, Jack

Brown, Mary  
Crowell, Peter  
Kennedy, Richard  
Morrill, Olive  
Pfaff, Terence  
Warner, Richard

Buessing, Marjorie  
Hess, David  
Lamach, Bernard  
Newland, Matthew  
Pitman, Mary Ellen  
Whalley, Michael

**ROCKINGHAM**

Aranda, M. Kathryn  
Belanger, Ronald  
Conroy, Janet  
Dunham, Vivian  
Flanders, John, Sr.  
Haynes, Richard  
Johnson, Robert  
Kobel, Rudolph  
Malcolm, Ken  
Nowe, Ronald  
Richards, David  
Senter, Marilyn  
Stritch, C. Donald  
Welch, David

Arndt, Janet  
Bishop, Franklin  
Cote, Patricia  
Fesh, Robert  
Gage, Beverly  
Henderson, Warren  
Katsakiores, George  
Kruse, Fred  
McCarthy, John, Jr.  
Packard, Sherman  
Ross, James  
Simmons, John Anthony  
Sytek, Donna  
Weyler, Kenneth

Attar, Kevin  
Camm, Kevin  
Dodge, Robert  
Flanagan, Natalie  
Gleason, John  
Hurst, Sharleene  
Katsakiores, Phyllis  
Lupien, James  
McKinney, Betsy  
Putnam, Ed, II  
Rubin, George  
Smith, Arthur  
Tufts, J. Arthur  
Yennaco, Carol

Beaulieu, Jon  
Christie, Andrew, Jr.  
Dowd, Sandra  
Flanders, David  
Goddard, Warren  
Hutchinson, Karen  
Klemm, Arthur, Jr.  
Magoon, Harold  
Morris, Debbie  
Raynowska, Bernard  
Scanlon, Edward  
Stone, Joseph  
Weare, Everett

**STRAFFORD**

Douglass, Clyde  
Steadman, Frederick  
Torr, Ralph

Hanlon, Mark  
Sullivan, Henry  
Wasson, Richard

McKinley, Robert  
Torr, Ann

Reynolds, Charles  
Torr, Franklin

**SULLIVAN**

Adler, Rudolf  
Schotanus, Merle

Cloutier, John  
Scott, Robert

Flint, Gordon

Krueger, Richard

**NAYS 106****BELKNAP**

Dewhirst, Glenn

**CARROLL**

None

**CHESHIRE**

Burnham, Daniel  
Lynch, Margaret  
Robertson, Timothy

Champagne, Richard  
McGuirk, Paul  
Russell, Ronald

DePecol, Benjamin  
Pratt, Irene  
Wollner, Robert

Doucette, Richard  
Riley, William

**COOS**

Bradley, Paula

Hawkinson, Marie

Mears, Edgar

**GRAFTON**

Below, Clifton  
Lovett, Sidney

Copenhaver, Marion  
Nordgren, Sharon

Crory, Elizabeth  
Trelfa, Richard

Ham, Bonnie  
Tucker, John

**HILLSBOROUGH**

Allen, W. Gordon  
Buckley, Raymond  
Drabinowicz, A. Theresa  
Haettenschwiller, Alphonse  
Kirby, Thomas  
McCarty, Winston  
Morello, Michael  
Soucy, Donna

Asselin, Robert  
Champagne, Norma  
Durham, Susan  
Hallyburton, Margaret  
Laughlin, J. Francis  
Melcher, Harold  
O'Rourke, Joanne  
Wells, Peter, Sr.

Baroody, Benjamin  
Clemons, Jane  
Foster, Linda  
Jean, Claudette  
Marcinkowski, Michael  
Messier, Irene  
Perkins, Paul  
White, John

Bergeron, Normand  
Cote, David  
Franks, Suzan  
Kane, Laura  
Martin, Mary  
Mittelman, David  
Reidy, Frank

**MERRIMACK**

Crosby, Toni  
Feuerstein, Martin  
Rogers, Katherine

Daneault, Gabriel  
Fraser, Marilyn  
Trombly, Rick

DeStefano, Stephen  
Moore, Carol  
Wallner, Mary Jane

Dunn, Miriam  
Owen, Derek  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
Clark, Vivian  
Langley, Jane  
Syracusa, Anthony

Carson, Gregory  
Coes, Betsy  
McGovern, Cynthia  
Sytek, John

Case, Margaret  
Kane, Cecelia  
Noyes, Richard  
Vaughn, Charles

Clark, Martha  
Kelley, Jane  
Splaine, James

**STRAFFORD**

Brown, George  
Grassie, Anne  
Knowles, William  
Merritt, Deborah  
Tessimond, Shane  
Williams, Howard

Chagnon, Ronald  
Hambrick, Patricia  
Loder, Suzanne  
Pelletier, Arthur  
Vincent, Francis

DeChane, Marlene  
Hilliard, Dana  
McCann, William, Jr.  
Snyder, Clair  
Wall, Janet

Dunlap, Patricia  
Keans, Sandra  
Merrill, Amanda  
Spear, Barbara  
Wheeler, Katherine

**SULLIVAN**

Lindblade, Eric

Palmer, Lorraine

Stettenheim, Sandy

Whipple, Allen

and the report was adopted.

Rep. Berube did not vote and intended to vote nay.

Reps. Little, Dwyer, Pepino, Boucher, Battles, Chase, Bonnie Packard, Callaghan, Kingsbury, Hart and L'Heureux declared conflicts of interest and did not participate.

**REGULAR CALENDAR (Cont'd)**

**HCR 6**, encouraging the establishment of an action plan for balanced competition in the federal system. **INEXPEDIENT TO LEGISLATE**

Rep. David A. Welch for State-Federal Relations: This resolution encourages the convening of a national Conference of States for the purpose of adopting an action plan designed to restore the political balance between the federal government and the states. The existence of federal unfunded mandates has become a burden to all of the 50 states. The Council of State Governments has determined that only with a meeting attended by the governors of the various states and four legislators from each state, (two senators, two representatives) can the issues of an increasingly debt-ridden federal bureaucracy be brought to heel. The idea is not new, however. On February 21, 1787, Congress officially extended an invitation to the several states to send delegates to Philadelphia to convene on May 14, 1787, for the "sole and express purpose of revising the Articles of Confederation." As we all know, the Virginia delegation arrived first and James Madison convinced his fellow delegates that no amount of revision could make the Articles of Confederation work to provide the type of government that was needed to preserve the tenuous union that existed among the 13 former colonies. The State-Federal Relations Committee was convinced that there are no safeguards to prevent this "Conference of the States" from recreating the original convention and proposing remedies that should only come from a convention convened under Article 5 of our present Constitution which requires a two-thirds vote of both houses of Congress or upon application of three-fourths of the states. Further, the committee has passed a resolution to reaffirm our sovereignty as a state under the Tenth Amendment to our Constitution which reads, "All powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." The governors of the states now meet on a regular basis and are empowered to petition the federal government as are we in the legislatures of the States. Vote 8-4.

Adopted.

**HJR 1**, reaffirming state sovereignty under the 10th Amendment to the United States Constitution. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Sharleene P. Hurst for the Majority of the Committee on State-Federal Relations: The State of New Hampshire is prohibited by law from enacting unfunded mandates on municipalities. This resolution asks the federal government to follow our lead. The majority of the committee believes that while it is important to protect the rights of disadvantaged citizens, the federal government has over-stepped its constitutional bounds by enacting programs and forcing the costs onto state and local governments. Vote 7-5.

Reps. Dana S. Hilliard, Shane E. Tessimond, Robert K. Wollner and James R. Splaine for the Minority of the Committee on State-Federal Relations: The minority of the committee recognizes that there are instances where federal mandates are necessary in order to avoid discrimination in instances of education, areas of mental, physical and racial equality, and certain societal needs requiring standards for health and environmental preservation.

Majority report adopted and ordered to third reading.

**HB 151-FN**, establishing a special license plate program, including related fees. **RE-REFER TO COMMITTEE**

Rep. Jane Kelley for Transportation: The committee feels the bill needs further study due to many technicalities which need to be addressed in more depth. Vote 13-3.

Adopted.

**HB 519-FN-A**, relative to the duties of motor vehicle registration agents and certain state registration fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Henry P. Mock for Transportation: This bill permits the Commissioner of Safety to establish a pilot program with the City of Concord to electronically transfer registration fees to the state as opposed to the current method. This would allow automobile registrants to write one check for both the city and state fees. Vote 12-4.

**Amendment (1536L)**

Amend the title of the bill by replacing it with the following:

## AN ACT

authorizing the commissioner of safety to establish a pilot program in the city of Concord and other cities, which allows an alternative procedure for collecting state funds for motor vehicle registrations.

Amend the bill by replacing all after the enacting clause with the following:

1 Pilot Program Established. Notwithstanding any other provision of law, the commissioner of safety shall have the authority to establish pilot programs to determine the desirability and feasibility of alternatives to the current procedure for the collection, deposit and remittance of state funds for motor vehicle registrations, by municipal agents. The commissioner of safety is authorized to establish such procedures and to enter into such agreements as the commissioner may deem proper in the furtherance of the pilot programs. These procedures shall be exempt from the provisions of RSA 541-A.

2 Future Pilot Programs. The first pilot program shall be with the city of Concord and shall test the desirability and feasibility of payment by a single check, made payable to the city of Concord, for both permit and registration fees. Payment of moneys by the city to the state shall be in such time frame and manner as directed by the commissioner of safety and the state treasurer. The commissioner shall have the authority to establish identical or other pilot programs with other municipalities as the commissioner may deem appropriate. The duration of any pilot programs shall be as determined by the commissioner.

3 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill authorizes the commissioner of safety to establish a pilot program in the city of Concord which allows an alternative procedure for collecting state funds for motor vehicle registrations.

The commissioner may establish identical programs as the commissioner deems appropriate. Adopted.

Report adopted and ordered to third reading.

**HB 524-FN**, establishing an environmental trust fund and special motor vehicle license plate, and associated fees, to support New Hampshire's natural and cultural resources. RE-REFER TO COMMITTEE

Rep. Jane Kelley for Transportation: Despite the impressive testimony of the school children of Holderness and many other interested groups and individuals, the committee attempted to fold HB 524-FN into HB 151-FN for reasons of clarity. In so doing, many discrepancies appeared which, it was felt, needed addressing. Vote 14-2.

Adopted.

**HB 548-FN**, relative to license fees for the transport of hazardous materials and waste. IN-EXPEDIENT TO LEGISLATE

Rep. Steven J. Connolly for Transportation: The committee felt after lengthy testimony from many sources that it was being thrust into litigation presently in the court system. (American Trucking Association V. State of New Hampshire). Further, any amendments offered increased fees and placed a non-proportional burden upon local New Hampshire transporters of hazardous materials and waste. Vote 15-1.

Adopted.

**HB 585-FN-L**, exempting certain vessels from the state vessel registration fee and the boat fee. INEXPEDIENT TO LEGISLATE

Rep. Mark A. Krochmal for Transportation: As originally introduced, this bill created a new title of Chief Harbor Master which would have been included in the Group II Police Retirement System. The amended version removed this provision regarding Group II inclusion and added a list of specific duties for the Chief Harbor Master, but retained a provision that would repeal RSA 271-A:8 which grants law enforcement authority to the six current Assistant Harbor Masters. This would make the Chief Harbor Master the only person with law enforcement (i.e., arrest) authority. The majority of the committee could not understand how harbor management over several different harbors could be enhanced by this action. Vote 6-5.

Adopted.

**HB 618-FN**, requiring the department of safety to keep drivers' records confidential except for certain reasons. **UGHT TO PASS WITH AMENDMENT**

Rep. Daniel M. Burnham for Transportation: The committee unanimously voted to provide drivers the opportunity to request in writing that their Department of Safety records remain confidential. The exemptions from such confidentiality are access for appropriate legal, business or journalistic purposes; the release of an individual's name, age or motor vehicle offense to insurance companies; the release of information to facilitate vehicle emission control, product alterations, recalls and advisories; and the release, for statical purposes of records other than name, street address, social security number and photographs. Vote 12-0.

### Amendment (1501L)

Amend the bill by replacing all after the enacting clause with the following:

1 Availability of Records. Amend RSA 260:14 to read as follows:

260:14 Records and Certification.

I. A proper record of all applications, reports required by law, certificates and licenses issued or revoked shall be kept by the department at its office[, and such records shall be open to the inspection of any person]. Copies of such records, duly attested and certified by the director or [his] designee, shall be as competent evidence in any court within this state as the original record or document would be if produced by [him] *the director* as [the] *its* legal custodian [thereof].

[II.] A hearings examiner shall be considered a legal custodian of motor vehicle records for the purpose of testifying at a trial.

II. Notwithstanding RSA 91-A or any other law to the contrary, any records kept by the department of safety under the requirements of paragraph I shall be made available in response to a request from a state, a political subdivision of a state, a court, the federal government, or a law enforcement agency, for use in official business.

*III.(a) Notwithstanding RSA 91-A or any other law to the contrary, any records kept by the department of safety under the requirements of paragraph I, except records generated under RSA 263:40-a and 1991, 347:9, shall be made available to any person or entity, not expressly referred to in paragraph II, only in response to a request submitted pursuant to rules adopted by the commissioner of safety. Such rules shall be exempt from RSA 541-A and shall provide for access by any person or entity which has an appropriate legal, business or journalistic purpose, and for procedures to prevent access to any unauthorized person or entity.*

*(b) A person or entity which does not wish to have any records pertaining to such person or entity made available as provided in subparagraph III(a) shall inform the department in writing, and the department shall not make the records available.*

*(c) In the rules to be adopted under RSA 260:14, III(a), the commissioner shall provide for measures which shall serve to notify the public of the provisions of this law. At a minimum, the commissioner shall post conspicuous notices regarding this law in each location where driver licenses are issued, and shall make available at each such location forms which may be used by the public to carry out an election under subparagraph (b). The commissioner shall also request that the same be done by municipal agents of the department appointed pursuant to RSA 261:74-a.*

*IV. A person or entity shall have access to its own records kept by the department as provided in paragraph I, whether or not the person or entity has made the election provided under subparagraph III(b). The department shall make such records available to any person specified, in writing, by the person or entity.*

*V. The state shall not be held responsible for any improper use or release of records to any person or entity obtaining such records as provided in this section.*

*VI.(a) Nothing in this section shall prohibit the department from releasing to the public any individual's name, age, or motor vehicle offenses, or from adopting any rules providing for the release of the name and address of any person or entity which is the subject of a court order or decree, or from releasing motor vehicle records or reports of individuals requested by name to insurance companies authorized to write automobile insurance policies in this state, or their authorized agents, for underwriting, claims adjustment, and administrative purposes.*

*(b) Nothing in this section shall prohibit the department from releasing records, except social security numbers and individuals' photographs or likenesses, to motor vehicle*

*manufacturers or their authorized agents for use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, and motor vehicle product alterations, recalls or advisories but only to the extent a particular record or part of a record is required to carry out the purposes of the Automobile Information Disclosure Act, the Motor Vehicle Information and Cost Saving Act, the National Traffic and Motor Vehicle Safety Act of 1966, the Anti-Car Theft Act of 1992, and the Clean Air Act.*

*(c) Nothing in this section shall prohibit the department from releasing to the public for statistical purposes any records or parts thereof, other than name, street address, social security number, photograph or likeness, and any other information identifying a particular individual or entity.*

**VII. It shall be a class B misdemeanor for any person to willfully disclose information from a department record to an unauthorized person. It shall be a class B misdemeanor for any person to make a false representation to obtain information from a department record. Each such disclosure or representation shall be considered a separate offense.**

2 Effective Date. This act shall take effect January 1, 1996.

Adopted.

Report adopted and ordered to third reading.

#### **HB 410, limiting the season for bear baiting. OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph Feuer for Wildlife and Marine Resources: At the hearing, this bill was replaced by the sponsor with a totally amended version, which the subcommittee accepted. As amended, this bill simply places the authority for adopting rules and setting the seasons for training hunting dogs and baiting game animals with the Executive Director of Fish and Game. The committee feels this is a more positive approach than casting them in law, as this will allow for flexibility based upon sound game management decisions. Vote 8-3.

#### **Amendment (1293L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to the baiting season and the bear dog training season.

Amend the bill by replacing all after the enacting clause with the following:

1 Baiting Season; Rulemaking. RSA 207:3-d, I is repealed and reenacted to read as follows:

1. The executive director shall adopt rules, pursuant to RSA 541-A, relative to the opening and closing of the season for the practice of baiting for coyote, furbearing animals or game animals with the exception of gray squirrel.

2 Training of Bear Dogs; Rulemaking. Amend RSA 207:12-a, I to read as follows:

1. Any person who is licensed to hunt within the state shall be issued a training permit for the training of bird dogs and trail or tree hounds during the closed season on any wildlife, except deer, moose, caribou, elk, lynx, cougar, and turkey, upon application and the payment of a fee of \$5. [No training permits shall be valid for the period of March 1 to July 15, to train] ***The executive director shall adopt rules pursuant to RSA 541-A, relative to the period for the training of bear dogs, except that holders of a training permit may train dogs upon land owned or leased by the permittee, or upon land for which the permittee has written permission of the landowner during this period. Such written permission shall be carried on the permittee's person while training. Training conducted pursuant to this exception shall be permitted only on wildlife legally possessed by the permittee and if released, such releasing shall be in accordance with RSA 207:14 and 207:14-a. Notwithstanding the provisions of this paragraph, field trials shall be permitted pursuant to RSA 207:13.***

3 Effective Date. This act shall take effect January 1, 1996.

#### **AMENDED ANALYSIS**

This bill authorizes the executive director of the department of fish and game to adopt rules relative to the baiting season and relative to the period for the training of bear dogs.

Adopted.

Report adopted and ordered to third reading.

**HB 514-FN, relative to hearing aid dealers and increasing the fees for persons seeking certification as hearing aid dealers. INEXPEDIENT TO LEGISLATE**



Rep. Maurice E. Goulet for Executive Departments and Administration: After a reasoned hearing, the committee decided that this bill is really not necessary. Current statutes, in RSA 137-F, provide real public protection and all the bells and whistles in HB 514 become superfluous. New Hampshire statutes really protect the consumer, including: (a) all hearing aids can be returned within 30 days, and (b) all consumers are informed that complaints regarding the transaction can be submitted to the Consumer Protection and Antitrust Bureau. As we understood, other states do not provide the consumer protection like New Hampshire does. Vote 18-0.

Rep. Goulet spoke against.

The report failed.

Rep. Goulet moved Re-refer to Committee.

Adopted.

**HB 488-FN**, relative to certification of and fees for wetland scientists and changing the title of "natural scientists" to "soil scientists." RE-REFER TO COMMITTEE

Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development: This bill establishes a Board of Wetland Scientists as a subdivision of the Board of Natural Scientists which certifies wetland delineators and wetland scientists, while at the same time separating natural scientists and soil scientists. While great efforts were made to clarify this issue and reach a last-minute amendment supported by all parties, many committee members were concerned about the need for such legislation and the wisdom of its passage. However, the committee supports re-refer in order to examine the subject further. Vote 13-2.

Adopted.

**HR 11**, urging Congress to pass a Constitutional amendment authorizing school prayer. IN-EXPEDIENT TO LEGISLATE

Rep. Robert K. Wollner for State-Federal Relations: Republican and Democratic members of the committee unanimously agreed on this bill because currently it is everyone's right to pray at any time, in any place; to create a new set of standards concerning prayer would prove to be divisive and discriminating. Vote 12-0.

Rep. Pepino spoke against.

Rep. Gage spoke in favor.

Rep. Pepino requested a roll call; not sufficiently seconded.

Report adopted.

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 150 and 200.

Rep. Buckley for the Committee

### RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 15, 1995 at 10:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 515-FN**, authorizing the liquor commission to determine the location of agency stores, repealing the liquor and wine import warehouse license, and prohibiting liquor/wine/beverage warehouse licensees from holding other licenses under title XIII.

**HB 303-FN-L**, relative to the motor vehicle emissions inspection and maintenance program in Merrimack County.

**HB 237**, relative to sentencing for habitual offenders.

**HB 219**, exempting the preparation of mortgage plot plans and mortgage inspection reports from application of the chapter regulating engineers, architects, land surveyors, foresters, and natural scientists.

**HB 307**, establishing a study committee to consider a constitutional amendment allowing the adoption of a yield tax on sand, gravel, and similar materials; and suspending a provision on taxation of sand, gravel and similar substances for fiscal year 1996.

**HB 361**, relative to the board of manufactured housing.

**HB 412**, relative to licensing standards for sales finance companies and retail sellers.

**HB 432**, relative to retail sellers of motor vehicles and sales finance companies which execute retail installment contracts for purchases of motor vehicles and relative to certain fees.

**HB 171**, relative to an extended term of imprisonment for possession of a radio device while committing certain crimes.

**HB 561**, repealing the workers' compensation commission.

**HB 505-FN**, relative to the boiler and unfired pressure vessel inspection law.

**HB 414-FN-L**, repealing a requirement that a municipality pay certain abatement-related expenses of the board of tax and land appeals following a reappraisal in that municipality by a commercial firm, and giving the board jurisdiction to review the necessity of a taking under RSA 498-A.

**HB 449**, establishing a study committee to examine and recommend a process for certifying persons who perform tax assessments and property appraisals for municipalities.

**HB 270**, relative to bail agents and recovery agents.

**HB 298**, relative to the rulemaking authority of the police standards and training council and permitting the council to delegate certain powers and duties to the director of police standards and training.

**HB 362**, relative to the authority to make arrests in fresh pursuit.

**HB 636-FN**, relative to advertising devices on scenic and cultural byways and increasing the membership of the scenic and cultural byways council.

**HB 379**, relative to zoning height limitations on amateur radio towers.

**HCR 4**, relative to the Republic of China on Taiwan.

**HJR 3**, urging the members of Congress to implement the recommendations of the Northern Forest Lands Council.

**HB 516-FN-A-L**, requiring the port authority to establish a uniform system for marking the ports, harbors and navigable tidal rivers.

**HB 549-FN**, crediting certain sums collected by the banking department to the department's consumer credit administration division, repealing the debt adjuster's license fund, and replacing the small loan license fund with the consumer credit administration license fund.

**HB 556-FN**, regulating rate modifications for accident and health insurance policies.

**HB 643**, allowing cruise ships, the primary purpose of which is tourism, to come into New Hampshire waters if their gambling machines are shut down.

**HB 116-FN**, establishing a committee to study the operation and funding of the New Hampshire veterinary diagnostic laboratory.

**HB 176**, relative to the disciplinary, investigative, and subpoena powers of the board of chiropractic examiners and authorizing the board to impose civil penalties.

**HB 195**, authorizing the department of safety to impose administrative fines on certain safety inspection stations.

**HB 217**, relative to the profession of engineering and the boards of engineers, architects, land surveyors, natural scientists, and foresters.

**HB 542-FN**, permitting nonattorneys to represent taxpayers in certain appeals before municipalities and the board of tax and land appeals.

**HB 521-FN-L**, creating interagency family assistance teams.

**HB 557-FN**, relative to the procedures of the central registry under the division for children, youth, and families.

**HR 14**, requesting an opinion of the justices concerning the constitutionality of HB 586-FN.

**HB 141**, enabling towns, school districts and village districts to use the official ballot for voting on budgetary warrant articles and amending the charter process.

**HB 369-A**, establishing a committee to study the feasibility of leasing the Mount Sunapee and Cannon Mountain ski areas.

**HB 114-FN**, establishing a brew pub liquor license and fees for the license.

**HB 367**, to promote the use of the metric system in certain public and private entities.

**HJR 1**, reaffirming state sovereignty under the 10th Amendment to the United States Constitution.

**HB 519-FN-A**, authorizing the commissioner of safety to establish a pilot program in the city of Concord and other cities, which allows an alternative procedure for collecting state funds for motor vehicle registrations.

**HB 618-FN**, requiring the department of safety to keep drivers' records confidential except for certain reasons.

**HB 410**, relative to the baiting season and the bear dog training season.

### UNANIMOUS CONSENT

Rep. Hess addressed the House.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 4:57 p.m.

### RECESS

(Rep. Ann Torr in the Chair)

### RESOLUTION

Its introduction have been approved by the Rules Committee:

Rep. Burns offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Resolution numbered 16, shall be by this resolution read a first and second time by the therein listed title and referred to the therein designated committee.

Adopted.

### INTRODUCTION OF HR

#### First, second reading and referral

**HR 16**, requesting the supreme court to release all confidential and nonconfidential materials relative to the late John C. Fairbanks. (Hess, Merr 11; Hart, Hills 37; Lockwood, Merr 9; Wall Straf 9; I. Pratt, Ches 5)

### RECESS

(Rep. Channing Brown in the Chair)

### RESOLUTION

Their introduction having been approved by the Rules Committee:

Rep. Ann Torr offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 1 and 2, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS

#### First, second reading and referral

**HB 1-A**, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1996 and June 30, 1997. (C. Brown, Graf 14: Finance)

**HB 2-FN**, relative to state fees, funds, revenues and expenditures. (C. Brown, Graf 14: Finance)

### RECESS

(Rep. Schotanus in the Chair)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill 656.

Rep. Buckley, Sen. Currier for the Committee

### RECESS (Rep. Fields in the Chair)

### RESOLUTION

Rep. McCann offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Concurrent Resolution numbered 3 shall be by this resolution read a first and second time by the therein listed title.

Adopted.

### INTRODUCTION OF SCR

#### First and second reading

**SCR 3**, adopting joint rules for the general court for the 1995-1996 sessions.

Rep. Cole moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 11**

Wednesday, March 15, 1995

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Representative Eric Lindblade, the member from Charlestown.

Almighty God, we are called upon to live a paradox. We are to be the leaders of the people. We are to be the servants of the people. Help us to be humble and proud that we are called to these two duties. Amen.

Reps. Peter Cote and Normand Bergeron led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Nehring, Peyron, Trombly, Amidon, Carl Adams, Julie Brown, McCann and Franks, the day, illness.

Reps. Lozeau, Doucette, William McCarthy, Morello, McNamara, Mayhew, Craig Wheeler, Pfaff and Katharine Pratt, the day, important business.

Rep. Kirby, the day, death in the family.

Reps. Charles Cote and Paula Bradley, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Beverly Briggs and Joan Bossart, guests of Rep. L'Heureux. Ruth Owen, Christian Hohaus and Julie Klemm, wife and guests of Rep. Owen. Former Rep. Paul Meader, guest of the House. The Korkin family, guests of Rep. Nordgren. Fourth grade students and teacher, Mrs. Jean Paul, from the Charlotte Avenue Grade School in Nashua and Rene and Jenna Bingham, guests, daughter and granddaughter of Rep. Bergeron. Margaret Lawrence, guest of Rep. Jane Kelley.

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill 110.

Rep. Buckley, Sen. Currier for the Committee

**SENATE MESSAGE****CONCURRENCE**

**HB 183-FN**, repealing 1991, 152 relative to funding the Women's War Memorial.

**HB 656**, permitting an unpaid leave of absence for one superior court justice.

**SPECIAL ORDER**

**HB 491-FN**, requiring that milk products known to contain the genetically produced bovine somatotropin growth hormone to be so labeled. **INEXPEDIENT TO LEGISLATE**

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: Because dairy products cannot be tested for artificial BST use, and because those who want to can presently label their products, the committee feels this bill is not necessary. Vote 14-3.

Rep. Coughlin spoke against and yielded to questions.

Rep. Gage spoke in favor and yielded to questions.

On a division vote, 249 members having voted in the affirmative and 67 in the negative, the report was adopted.

**SUSPENSION OF RULES**

Reps. Ann Torr and Buckley moved that the Rules be so far suspended as to permit referral of bills to a second committee beyond the deadline.

Adopted by the necessary two-thirds.

**COMMITTEE REPORTS****CONSENT CALENDAR**

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 333**, relative to election procedures, was removed at the request of Rep. Gorman.

**HB 359**, relative to the form of the primary and general election ballots, was removed at the request of Rep. Buckley.

**HB 531**, relative to recounts, including certain fees, was removed at the request of Rep. Amanda Merrill.

**HB 124**, permitting emergency interception of oral communications without prior court authorization under certain circumstances involving immediate danger of death or serious bodily injury, was removed at the request of Rep. DePecol.

**HB 271**, prohibiting electronic video gambling machines, was removed at the request of Rep. Wells.

**HB 320**, establishing a recall procedure for those legislators found in violation in ethics rules by the legislative ethics committee and reconstituting the legislative ethics committee, was removed at the request of Rep. Hemon.

**HB 368**, granting municipalities the option to change the interest rate on delinquent property taxes and subsequent property taxes, was removed at the request of Rep. Hansen.

**HB 510-FN**, relative to the sale of fireworks, was removed at the request of Rep. Pantelakos.

**HB 231**, limiting liability of trappers for certain accidents involving domestic animals, was removed at the request of Rep. Katherine Wheeler.

Consent Calendar adopted.

**HB 204**, exempting hospitals licensed by the state from certain provisions of the New Hampshire pharmacists and pharmacies statutes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: The intent of this bill is to allow Northeast Rehab Hospital in Salem to serve the needs of their patients by prescribing and dispensing pharmaceuticals. It is the Committee's intent that this law apply to institutional pharmacies only and that they be permitted to: 1) dispense medications to hospital in-patients and staff or employees of the hospital 2) provide interim supplies of medications to out-patients in an emergency 3) provide out-patient prescription services on a one-time no-refill basis to a hospital's emergency room patients, surgical daycare patients, and patients who are being discharged with medications related to the patients hospitalization. Vote 19-0.

#### **Amendment (1399L)**

Amend the bill by replacing section 1 with the following:

1 Interest Prohibition Not Applicable to Hospitals Licensed by State. Amend RSA 318:29, V (i) to read as follows:

(i) Any ownership or control of an ownership interest of a pharmacy within the state by an individual licensed to prescribe medicine, or a corporation, professional association or partnership consisting of such prescriber or prescriber's immediate family members, except such corporations as are expressly exempt from income taxation under section 501(c)(3) of the United States Internal Revenue Code. This shall not include ownership of investment securities purchased by the practitioner on terms available to the general public and which are publicly traded. *This subparagraph shall not apply to the ownership or control of an ownership interest of an institutional pharmacy operated within the state by or for hospitals, as defined in RSA 151-C:2, XX, licensed by the state pursuant to RSA 151.*

#### **AMENDED ANALYSIS**

This bill provides that the prohibition against having a controlling or ownership interest of an institutional pharmacy by an individual or other entity licensed to prescribe medicine shall not apply to hospitals licensed by the state.

**HB 246**, requiring life insurance companies to periodically review their archives and notify beneficiaries in the event a policy becomes payable. **OUGHT TO PASS WITH AMENDMENT**

Rep. George Hurt for Commerce, Small Business, Consumer Affairs and Economic Development: This bill requires life insurance companies doing business in the state to use due diligence in locating beneficiaries and to inform such beneficiaries that a policy has become payable. Vote 18-0.

#### **Amendment (1569L)**

Amend the title of the bill by replacing it with the following:

## AN ACT

requiring life insurance companies to review their records and notify beneficiaries in the event a policy becomes payable.

Amend RSA 408:10-b as inserted by section 1 of the bill by replacing it with the following:  
 408:10-b Missing Beneficiaries. Consistent with the standard of notifying beneficiaries of life insurance policies that a benefit of insurance is payable, when notification of the death of an insured has been received by the life insurance company, every life insurance company or life insurance society doing business in this state, shall use due diligence, including but not limited to a periodic review of which policies have become payable, to locate the beneficiaries. The life insurance company shall notify each such beneficiary at the beneficiary's last known address that the policy in question has become payable. If after 12 months from the date of such notice a beneficiary has not responded, notice shall be placed in a newspaper of general circulation in the area of the beneficiary's last known address.

## AMENDED ANALYSIS

This bill requires life insurance companies to review their records and notify beneficiaries in the event a policy becomes payable.

**HB 252**, requiring health insurers to provide coverage for nonprescription enteral formulas when medically necessary for the treatment of malabsorption. **OUGHT TO PASS WITH AMENDMENT**

Rep. Toni M. Crosby for Commerce, Small Business, Consumer Affairs and Economic Development: This bill requires health insurance providers to cover nonprescription enteral formulas for the treatment of impaired absorption of nutrients when needed to sustain life, as well as coverage of enteral formulas required for persons with inherited diseases of amino acids and organic acids when medically necessary. Vote 19-0.

**Amendment (1498L)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Coverage for Nonprescription Enteral Formulas; Accident or Health Insurance. Amend RSA 415 by inserting after section 18-d the following new section:

415:18-e Coverage for Nonprescription Enteral Formulas.

I. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for the provision of nonprescription enteral formulas for the treatment of impaired absorption of nutrients caused by disorders affecting the absorptive surface, functional length, or motility of the gastrointestinal tract. Such coverage shall be provided when the prescribing physician has issued a written order stating that the enteral formula is needed to sustain life, is medically necessary, and is the least restrictive and most cost effective means for meeting the needs of the patient.

II. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for the provision of nonprescription enteral formulas required for persons with inherited diseases of amino acids and organic acids. Such coverage shall be provided when the prescribing physician has issued a written order stating that the enteral formula is medically necessary and is the least restrictive and most cost effective means for meeting the needs of the patient. This section shall not apply to food products included in the diets of persons with inherited diseases of amino acids and organic acids.

III. The benefits included in this section shall not be subject to any greater deductible than any other benefits provided by the insurer. The coinsurance required by the enrolled participant shall not exceed the amount allowed under the contract for the reasonable and customary charge for the service provided.

2 New Section; Coverage for Nonprescription Enteral Formulas; Hospital Service Corporations. Amend RSA 419 by inserting after section 5-e the following new section:

**419:5-f Coverage for Nonprescription Enteral Formulas.**

I. Every hospital service corporation and every other similar corporation licensed under the laws of another state shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for the provision of nonprescription enteral formulas for the treatment of impaired absorption of nutrients caused by disorders affecting the absorptive surface, functional length, or motility of the gastrointestinal tract. Such coverage shall be provided when the prescribing physician has issued a written order stating that the enteral formula is needed to sustain life, is medically necessary, and is the least restrictive and most cost effective means for meeting the needs of the patient.

II. Every hospital service corporation and every other similar corporation licensed under the laws of another state shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are resident of this state, coverage for the provision of nonprescription enteral formulas required for persons with inherited diseases of amino acids and organic acids. Such coverage shall be provided when the prescribing physician has issued a written order stating that the enteral formula is medically necessary and is the least restrictive and most cost effective means for meeting the needs of the patient. This section shall not apply to food products included in the diets of persons with inherited diseases of amino acids and organic acids.

III. The benefits included in this section shall not be subject to any greater deductible than any other benefits provided by the insurer. The coinsurance required by the enrolled participant shall not exceed the amount allowed under the contract for the reasonable and customary charge for the service provided.

3 New Section; Coverage for Nonprescription Enteral Formulas; Medical Service Corporations. Amend RSA 420 by inserting after section 5-f the following new section:

**420:5-g Coverage for Nonprescription Enteral Formulas.**

I. Every medical service corporation and every other similar corporation licensed under the laws of another state shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for the provision of nonprescription enteral formulas for the treatment of impaired absorption of nutrients caused by disorders affecting the absorptive surface, functional length, or motility of the gastrointestinal tract. Such coverage shall be provided when the prescribing physician has issued a written order stating that the enteral formula is needed to sustain life, is medically necessary, and is the least restrictive and most cost effective means for meeting the needs of the patient.

II. Every medical service corporation and every other corporation licensed under the laws of another state shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are resident of this state, coverage for the provision of nonprescription enteral formulas required for persons with inherited diseases of amino acids and organic acids. Such coverage shall be provided when the prescribing physician has issued a written order stating that the enteral formula is medically necessary and is the least restrictive and most cost effective means for meeting the needs of the patient. This section shall not apply to food products included in the diets of persons with inherited diseases of amino acids and organic acids.

III. The benefits included in this section shall not be subject to any greater deductible than any other benefits provided by the insurer. The coinsurance required by the enrolled participant shall not exceed the amount allowed under the contract for the reasonable and customary charge for the service provided.

4 New Section; Coverage for Nonprescription Enteral Formulas; Nonprofit Health Service Corporations. Amend RSA 420-A by inserting after section 7-h the following new section:

**420-A:7-i Coverage for Nonprescription Enteral Formulas.**

I. Every nonprofit health service corporation and every other similar corporation licensed under the laws of another state shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for the provision of nonprescription enteral formulas for the treatment of impaired absorption of nutrients caused by disorders affecting the absorptive surface, functional length, or motility of the gastrointestinal tract. Such coverage shall be provided when the prescribing physician has issued a written order stating that the enteral formula is needed to sustain life, is medically necessary, and is the least restrictive and most cost effective means for meeting the needs of the patient.

II. Every non-profit health service corporation and every other similar corporation licensed under the laws of another state shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are resident of this state, coverage for the provision of nonprescription enteral formulas required for persons with inherited diseases of amino acids and organic acids. Such coverage shall be provided when the prescribing physician has issued a written order stating that the enteral formula is medically necessary and is the least restrictive and most cost effective means for meeting the needs of the patient. This section shall not apply to food products included in the diets of persons with inherited diseases of amino acids and organic acids.

III. The benefits included in this section shall not be subject to any greater deductible than any other benefits provided by the insurer. The coinsurance required by the enrolled participant shall not exceed the amount allowed under the contract for the reasonable and customary charge for the service provided.

5 New Section; Coverage for Nonprescription Enteral Formulas; Health Maintenance Organizations. Amend RSA 420-B by inserting after section 8-f the following new section:

420-B:8-ff Coverage for Nonprescription Enteral Formulas.

I. Every health maintenance organization and every other similar corporation licensed under the laws of another state shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for the provision of nonprescription enteral formulas for the treatment of impaired absorption of nutrients caused by disorders affecting the absorptive surface, functional length, or motility of the gastrointestinal tract. Such coverage shall be provided when the prescribing physician has issued a written order stating that the enteral formula is needed to sustain life, is medically necessary, and is the least restrictive and most cost effective means for meeting the needs of the patient.

II. Every health maintenance organization and every other similar corporation licensed under the laws of another state shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are resident of this state, coverage for the provision of nonprescription enteral formulas required for persons with inherited diseases of amino acids and organic acids. Such coverage shall be provided when the prescribing physician has issued a written order stating that the enteral formula is medically necessary and is the least restrictive and most cost effective means for meeting the needs of the patient. This section shall not apply to food products included in the diets of persons with inherited diseases of amino acids and organic acids.

III. The benefits included in this section shall not be subject to any greater deductible than any other benefits provided by the insurer. The coinsurance required by the enrolled participant shall not exceed the amount allowed under the contract for the reasonable and customary charge for the service provided.

6 Effective Date. This act shall take effect January 1, 1996.

#### AMENDED ANALYSIS

This bill requires accident or health insurers, hospital service corporations, medical service corporations, nonprofit health service corporations and health maintenance organizations to provide coverage under certain circumstances for nonprescription enteral formulas for the treatment of malabsorption caused by disorders affecting the absorptive surface, functional length, or motility of the gastrointestinal tract.

**HB 272**, requiring health insurance companies to provide coverage to insureds, who themselves are required through settlement or court decree to provide coverage, for an ex-spouse with a pre-existing condition residing in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: The subcommittee heard of no other cases, other than the one on the seacoast and insurance has been obtained to satisfy this particular problem. Therefore, the committee feels this bill is not necessary. Vote 19-0.

**HB 420**, relative to habitability in manufactured housing parks. **RE-REFER TO COMMITTEE**

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: All subjects talked of in this bill are already covered in the statutes. The biggest



problem is local enforcement. Members of the subcommittee plan to visit some housing parks and local enforcement offices to try to resolve some of these problems between tenant and owners, co-ops and local communities. Vote 15-3.

**HB 425**, adding an exception for certain events to the hawkers and peddlers law and the itinerant vendors law. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric N. Lindblade for Commerce, Small Business, Consumer Affairs and Economic Development: After due consideration, it was thought best not to tamper with the law governing hawkers and peddlers, only with the requirement that a local police chief vouch for the character of a hawker or peddler because it places an unfair liability on them. Vote 17-1.

#### **Amendment (1424L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to hawkers and peddlers.

Amend the bill by replacing all after the enacting clause with the following:

1 Certain Requirement Deleted. Amend RSA 320:8, I to read as follows:

1. Upon compliance with this section and upon payment of \$50 for a state license, the secretary of state may grant special state licenses. Applications for such licenses shall be made upon blanks prepared by the secretary of state requiring such information regarding the applicant's character and qualifications as the secretary shall deem pertinent. [No such license shall be issued unless the application is accompanied by a certificate signed by the chief of police of the city or town, and, if there is no police chief, then the board of selectmen of the town in this state in which the licensee shall begin operating, stating that the applicant for a license is a person of good moral character and in good standing in New Hampshire.]

2 Effective Date. This act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill deletes the requirement that police chiefs sign a statement that a hawker or peddler applicant is of good moral character.

**HB 434**, prohibiting advance collection of interest on open-end consumer credit transactions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric N. Lindblade for Commerce, Small Business, Consumer Affairs and Economic Development: This bill provides protection for consumers in that it forbids the charging of interest up front or on any amount other than the unpaid principle. It also changes the definition of small loans from loans less than \$10,000 to less than \$20,000. Vote 19-0.

#### **Amendment (1586L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

prohibiting advance collection of interest on open-end consumer credit transactions and redefining certain loans.

Amend the bill by replacing all after the enacting clause with the following:

1 Advance Collection of Interest; Open-End Consumer Credit Transactions. Amend RSA 358-K:3 to read as follows:

358-K:3 Advance Collection of Interest in Consumer Credit Transactions Prohibited [After June 30, 1985]. Notwithstanding any other law to the contrary, with respect to closed-end consumer credit transactions entered into after June 30, 1985 *and open-end consumer credit transactions entered into after December 31, 1995*, interest shall be collected only as earned, and no interest on such transactions shall be paid, deducted or added to principal in advance. This section shall not preclude the advance collection or prepayment of other charges to which the transaction is subject. This section shall not apply to the advance collection of interest at the inception of a closed-end *or open-end* consumer credit transaction for origination fees or for a fractional part of a month in order to achieve a common or convenient monthly payment date as provided by RSA 358-K:4-a.

2 Exception to Achieve a Common or Convenient Monthly Payment Date. Amend RSA 358-K:4-a to read as follows:

358-K:4-a Exception to Achieve a Common or Convenient Monthly Payment Date. Any provision of this chapter to the contrary notwithstanding, interest on any closed-end *or open-end* consumer credit transaction may be collected in advance for origination fees at the inception of such transaction or for a fractional part of a month (less than 30 days) from the inception of such consumer credit transaction to a monthly payment date that the creditor commonly uses in such transactions, or that the creditor considers to be more convenient administratively as a monthly payment date than the transaction inception date, such as the first day of the month.

3 New Paragraph; Definition; Open-end Second Mortgage Home Loan. Amend RSA 398-A:1 by inserting after paragraph V the following new paragraph:

VI. "Open-end second mortgage home loan" means a second mortgage loan pursuant to which a lender may permit a borrower to draw funds from time to time from a previously approved line of credit, and the interest and other charges, if made, are computed on the account periodically and the borrower has the privilege of paying in full or in installments.

4 New Paragraph; Actuarial Method. Amend RSA 398-A:2 by inserting after paragraph VI the following new paragraph:

VII. Interest on closed-end and open-end second mortgage home loans shall be contracted for at an annual rate or rates and computed only on the scheduled outstanding balances of the amount financed according to the actuarial method. Interest on such loans shall be collected only as earned on actual unpaid principal balances for the actual time outstanding.

5 Definitions; Open-end and Closed-end Loans. Amend RSA 399-A:1, VI and VII to read as follows:

VI. "Closed-end loan" is a loan other than an open-end loan, *and includes closed-end consumer sales loan contracts*.

VII. "Open-end loan" means an open-end credit arrangement pursuant to which a creditor may permit a borrower from time to time to obtain loans from the creditor pursuant to RSA 358-K:1, XI, *and shall include open-end consumer sales loan contracts*.

6 New Paragraphs; Definitions of Consumer Sales Loan, Credit Sale, Small Loan. Amend RSA 399-A:1 by inserting after paragraph VII the following new paragraphs:

VIII. "Consumer sales loan" means a small loan, the proceeds of which are used to purchase consumer goods or services and which are paid by the creditor either directly or indirectly to a third party who sells consumer goods or services directly to the general public, or paid jointly to the borrower and such third party, or paid directly to the borrower. The term shall not include credit sales or credit extended pursuant to a credit card agreement.

IX. "Credit sale" means any sale of personal, family or household goods or services to a consumer in which the seller is a creditor. For purposes of this paragraph, a consumer is a natural person to whom credit is offered or extended when the goods or services which are the subject of a credit sale are primarily for personal, family or household purposes.

X. "Small loan" means a secured or unsecured open-end or closed-end loan of \$20,000 or less, with associated aggregate interest and charges in excess of 10 percent per annum, as set forth in RSA 399-A:2, I, payable in one or more installments, the proceeds of which are used by the borrower primarily for personal, family or household purposes. Notwithstanding RSA 399-A:1, VI and VII, the term does not include credit sales or credit extended for the purchase or leasing of motor vehicles, as that term is defined in RSA 361-A:1.

7 Scope; Small Loans. Amend RSA 399-A:2, I to read as follows:

I. No person shall, without first obtaining a license from the commissioner as hereinafter provided, engage in the business of making closed-end loans in amounts of [\$10,000] *\$20,000* or less or open-end loans with a line of credit of [\$10,000] *\$20,000* or less, and contract for, exact or receive, directly or indirectly, in connection with any such loan any charges, whether for interest, compensation, brokerage, endorsement fees, consideration, expense or otherwise, which in the aggregate are greater than 10 percent per annum.

8 Scope; Small Loans. Amend RSA 399-A:3, I (b) to read as follows:

(b) For any closed-end loan of more than \$1,500 but not exceeding [\$10,000] *\$20,000*, excluding charges, a licensee may lend in the same manner permitted by subparagraph (a), except that it may charge, contract for and receive charges on the entire principal of the loan, at rates agreed to in writing by the borrower and licensee.

9 Scope; Small Loans. Amend RSA 399-A:3, I (d) and II to read as follows:

(d) For any open-end loan with a line of credit of more than \$1,500 but not exceeding [\$10,000] **\$20,000**, excluding charges, a licensee may charge, contract for and receive charges on the unpaid balances of the account at rates agreed to in writing by the borrower and the licensee.

II. No licensee shall permit any person to be obligated to him on one or more contracts of loan the total principal balance of which is more than [\$10,000] **\$20,000**.

10 Effective Date. This act shall take effect January 1, 1996.

### AMENDED ANALYSIS

This bill prohibits advance collection of interest on open-end consumer credit transactions.

The bill also changes the definitions of open-end and closed-end loans, consumer sales loans, credit sales, and small loans, for purposes of regulation by the banking department.

This bill was requested by the banking department.

**HB 435**, relative to first mortgage bankers and brokers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric N. Lindblade for Commerce, Small Business, Consumer Affairs and Economic Development: This bill tightens the definition of net worth as applicable to those who apply for mortgage banker or mortgage broker licenses. This bill also includes a definition of real property which, for the first time, includes manufactured housing. Vote 14-2.

### Amendment (1459L)

Amend RSA 397-A:5, II(c) as inserted by section 4 of the bill by replacing it with the following:

(c) Each applicant shall be required to submit to the banking department detailed financial information sufficient for the bank commissioner to determine the applicant's ability to conduct the business of a mortgage banker or a mortgage broker with financial integrity. At a minimum, each mortgage banker applicant must demonstrate a net worth of \$100,000 *in cash or marketable securities* or [shall] post surety [or insurance] in said amount as determined by rules adopted by the bank commissioner. At a minimum, each mortgage broker, or any person not funding a loan, shall provide a surety bond in the amount of \$20,000 to the bank commissioner. *Net worth statements provided in connection with a license application under this section shall be subject to review and verification during the course of any examination or investigation conducted under the authority of RSA 397-A:12.*

Amend RSA 397-A:17, I as inserted by section 11 of the bill by replacing it with the following:

I. The banking department may, upon due notice and hearing, revoke a license if it is satisfied that the licensee has violated any provision of this chapter, or that the license has not met the standards established in this chapter. Sufficient cause for the revocation, suspension or denial of a mortgage banker license shall include, but shall not be limited to, the acceptance or processing of loan applications transmitted or brokered by a mortgage broker who is not licensed, and is not exempt from licensing, under this chapter. All such loan applications received by a mortgage banker shall be returned, along with any fees that may have accompanied the application, to the unlicensed broker. Mortgage bankers shall immediately notify the banking department in writing of any attempt to broker mortgage loan applications by an unlicensed broker. Mortgage bankers shall provide the banking department with all known and relevant information pertaining to the unlicensed broker, including, but not limited to, corporate and trade names, business address, names of principals and senior officers, and any other information, including copies of related documents, the mortgage banker may have in its possession.

**HB 477-FN**, regulating motor vehicle leasing. **RE-REFER TO COMMITTEE**

Rep. John B. Hunt for Commerce, Small Business, Consumer Affairs and Economic Development: By request of the Attorney General's office, the committee has agreed to keep this bill over the summer for further work. Vote 16-0.

**HB 653**, allowing the board of manufactured housing to adopt interim rules. **OUGHT TO PASS**

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: Because appointments to the Manufactured Housing Tenants Board were not made

in accordance within the time frame specified in 1994, 368:3, the board did not have a quorum necessary to establish interim rules within the time required. The board is now in a position to submit interim rules and start operating. Vote 19-0.

**HB 343**, relative to reporting receipts and expenditures by candidates. **INEXPEDIENT TO LEGISLATE**

Rep. George F. Brown for Constitutional and Statutory Revision: Present RSAs already take care of the requirements of candidates to report on time and contain sufficient penalties. Vote 17-1.

**HB 360**, relative to absentee voting. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas I. Arnold, Jr. for Constitutional and Statutory Revision: This bill avoids release of unauthorized information and insures better control of elections by requiring absentee ballots to be processed after the polls close. It also requires that all (not only military) absentee ballots be accepted until 5:00 p.m. on the day of the election. It also relaxes the requirements, but not control, for the use of absentee ballots. Vote 15-0.

**Amendment (1450L)**

Amend the bill by replacing all after the enacting clause with the following:

1 Time for Accepting Absentee Ballots. Amend RSA 657:22 to read as follows:

657:22 Cutoff. In any state election, a town or city clerk shall not accept any completed [armed services or federal overseas citizens] absentee ballots delivered to [him] *the clerk* [by any means] after 5:00 p.m. on election day. [All other absentee ballots shall not be accepted after 5:00 p.m. on the day immediately prior to election day.] Ballots received after such [times] *time* shall be retained by the clerk unopened until the time set for the destruction of other state election ballots as provided in RSA 659:100 at which time the envelopes shall likewise be destroyed, unopened and unexamined.

2 Delivery of Absentee Ballots to Moderator. Amend RSA 657:23 to read as follows:

657:23 Delivery to Moderator. Upon election day, prior to the closing of the polls [or the time set for processing absentee ballots in accordance with RSA 659], the clerk shall deliver all such envelopes and the applications therefor received by him to the moderators in the several voting precincts in which the absentee voters assert the right to vote, taking a receipt from the moderator thereof; except that no armed services ballot shall be rejected by a moderator for lack of an attached application.

3 Delivery of Absentee Ballots to Moderator. Amend RSA 659:46 to read as follows:

659:46 Delivery of Absentee Ballots to Moderator. Prior to the closing of the polls [or the time set for processing absentee ballots as provided in RSA 659:49], the town or city clerk shall deliver all absentee ballots to the moderator as provided in RSA 657:23.

4 Processing Late Absentee Ballots. Amend RSA 659:47 to read as follows:

659:47 Absentee Ballots Received Late. No absentee ballot shall be [cast] *processed* or counted unless it is delivered to the moderator at the proper polling place prior to the closing of the polls [or the time set for the processing of absentee ballots as provided in RSA 659:49].

5 Processing and Counting Absentee Ballots. RSA 659:49 is repealed and reenacted to read as follows:

659:49 Processing And Counting Absentee Ballots. All absentee ballots shall be processed immediately after the polls have closed, and prior to the counting of all ballots cast in the election.

6 Repeal. The subdivision heading preceding RSA 659:49-a and RSA 659:49-a, relative to counting absentee ballots before the polls close, are repealed.

7 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill amends the absentee voting laws by:

- (1) Setting 5:00 p.m. on election day as the time for accepting all absentee ballots.
- (2) Clarifying that absentee ballots shall not be processed or counted unless they are delivered to the moderator prior to the closing of the polls.
- (3) Clarifying when absentee ballots must be delivered to the moderator.

**HB 374**, relative to the information required for nomination papers to place a candidate on the ballot. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas I. Arnold, Jr. for Constitutional and Statutory Revision: This bill fails to achieve its intended purpose. The Secretary of State has agreed to correct the underlying problem by administrative action; i.e., requiring the citizen's voting domicile to be listed. Vote 16-0.

**HB 396**, requiring voters to bring identification showing their current domicile to the polls. **INEXPEDIENT TO LEGISLATE**

Rep. Janet S. Arndt for Constitutional and Statutory Revision: The Committee feels that requiring voters to present identification at the polls would slow the voting process. The moderator has the authority to ask for identification if a voter's identity is questioned. Consequently, this bill is unnecessary. Vote 16-0.

**HB 409**, relative to absentee voter registration. **OUGHT TO PASS WITH AMENDMENT**

Rep. Carol H. Holden for Constitutional and Statutory Revision: This bill was one of the recommended pieces of legislation by the Committee to study voter registration by mail. The notary requirement on the voter registration form has been replaced with an absentee registration affidavit that has to be affirmed and signed by a witness. Vote 13-0.

### Amendment (1582L)

Amend the bill by replacing all after the enacting clause with the following:

1 Absentee Registration Affidavit. Amend RSA 654:17 to read as follows:

654:17 Absentee Registration Affidavit.

I. The absentee registration affidavit shall be prepared by the secretary of state and shall be in substantially the following form:

#### Affidavit (Absence from town)

I, \_\_\_\_\_, do hereby [depose as follows] *swear or affirm, under penalty of perjury, the following:*

1)(a) That my legal domicile is in the town of \_\_\_\_\_, New Hampshire, I will be of the age of 18 years or over on election day and am entitled to vote in the election to be held in said town on \_\_\_\_\_, 19\_\_ except for the fact that my name does not appear on the checklist to be used in said town at such election;

(b) *That if I were personally to appear before the supervisors of the checklist of said town in their regular session for the correction of the checklist for said election, I would present the following as proof of domicile \_\_\_\_\_ (including but not limited to a drivers license, electric bill, passport, or cancelled check);*

2) That I do not intend to be present within said town at such time prior to said election as shall enable me personally to appear before the supervisors of the checklist of said town in their regular sessions for the correction of the checklist for said election;

3) That I am temporarily residing in \_\_\_\_\_ (city and state or city, province and country); and

4) That I hereby make application for the addition of my name to the checklist of said town to be used at said election.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

#### Affidavit (Physical Disability)

I, \_\_\_\_\_, do hereby [depose as follows] *swear or affirm, under penalty of perjury, the following:*

1)(a) That my legal domicile is in the town of \_\_\_\_\_, New Hampshire, I will be of the age of 18 years or over on election day and am entitled to vote in the election to be held in said town on \_\_\_\_\_, 19\_\_ except for the fact that my name does not appear on the checklist to be used in said town at such election;

*(b) That if I were personally to appear before the supervisors of the checklist of said town in their regular session for the correction of the checklist for said election, I would present the following as proof of domicile \_\_\_\_\_ (including but not limited to a drivers license, electric bill, passport, or cancelled check);*

2) That I am unable by reason of physical disability personally to appear before the supervisors of the checklist of said town in their regular sessions for the correction of the checklist for said election;

3) That I hereby make application for the addition of my name to the checklist of said town to be used at said election.

\_\_\_\_\_  
Signature of Applicant

II. There shall be printed below each of the foregoing affidavits the following [certificate] **affirmation:**

[Certificate] **Affirmation**

I, \_\_\_\_\_, the undersigned [officer] *witness*, do hereby [certify] *swear or affirm, under penalty of perjury*, that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ the above named, \_\_\_\_\_, having satisfied me as to his identity, [subscribed] *signed* the foregoing affidavit in my presence, and did before me swear to (or affirm) the truth of the statements therein contained.

\_\_\_\_\_  
Signature of [Officer] *Witness*

[\_\_\_\_\_]
   
[Title]

2 Forwarding Absentee Registration Affidavit. Amend RSA 654:18 to read as follows:

654:18 Forwarding. The voter registration form[,] *and the* absentee registration affidavit [and certificates] shall be forwarded directly to the applicant by the city or town clerk or by the secretary of state.

3 Execution of Absentee Registration Affidavit. Amend RSA 654:19 to read as follows:

654:19 [Execution;] Submission; Effect. The [absentee registration affidavit shall be executed before a person authorized to perform notarial acts pursuant to the provisions of RSA 456-A. Such officer, after executing the certificate, shall attach thereto proof of his official capacity and] *applicant* shall forward the *absentee registration* affidavit and [certificate along with] the applicant's voter registration form to the clerk of the town or city named for submission to the supervisors of the checklist. If the supervisors find that the affidavit and [certificate] *the voter registration form* are properly executed, they shall follow the procedure for applications made in person as provided in RSA 654:11, 654:13, and 654:15, *except that in the case of an absentee voter they shall accept an absentee registration affidavit and a registration form*. An affidavit [and a certificate] which [are] is properly executed shall be considered valid and shall be effective for both a primary and a general election for armed services voters and for absent voters who reside outside the continental United States.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill amends the absentee voter registration process by replacing the certificate and notary requirement on the absentee registration affidavit with a requirement that the affidavit be affirmed and signed by a witness.

**HB 438**, establishing a committee to study early voting in New Hampshire. OUGHT TO PASS

Rep. Carol H. Holden for Constitutional and Statutory Revision: This bill establishes a committee to study early voting. The committee would look at the mechanics and ramifications of voting early. Vote 14-1.

**HB 440**, relative to enabling legislation for same day voter registration at city and town elections. OUGHT TO PASS WITH AMENDMENT

Rep. Carol H. Holden for Constitutional and Statutory Revision: This bill would allow a voter whose name is not on the checklist, but who is qualified to vote, to be able to register at the polls at town and city elections. At state and federal elections, this is now in effect. Vote 13-0.

### **Amendment (1630L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to same day voter registration at city, town,  
school district, and village district elections.

Amend the bill by replacing section 1 with the following:

1 Election Day Registration. Amend RSA 654:7-a, 1 to read as follows:

1. The provisions of this section and those of RSA 654:7-b shall be used as an additional procedure for voter registration. For the purposes of this section and RSA 654:7-b, the term "election day" shall refer to state primary and to state general elections, [but shall not include a special election held for the purpose of choosing or nominating any candidate for the office of state representative, state senator, or executive councilor] *and to all town, city, school district, and village district elections.* A person who registers to vote on election day according to the provisions of this section shall also be required to complete the voter registration card provided for in RSA 654:7. The provisions of this section and those of RSA 654:7-b shall apply notwithstanding any provision of RSA 654 to the contrary.

### **AMENDED ANALYSIS**

Under present law, registering to vote at the polling place on election day and then voting on the day of that election only applies to state primary and to state general elections. This bill extends these provisions to city, town, school district, and village district elections.

#### **HB 455**, relative to marking a straight ticket ballot. **OUGHT TO PASS**

Rep. Thomas I. Arnold, Jr. for Constitutional and Statutory Revision: This bill corrects the problem experienced by communities using voting machines which are incapable of overriding the straight-ticket vote only when the individual vote is for an individual of a different party. Vote 14-1.

#### **HB 479-FN-L**, requiring that the hours of polling in a town be determined at the town meeting held prior to each state election. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas I. Arnold, Jr. for Constitutional and Statutory Revision: This bill would destroy the efforts of the last several years to achieve greater standardization of voting hours. Vote 10-1.

#### **HB 640-L**, establishing procedures to provide voters an opportunity to establish a budget committee by ballot vote at the general election. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas I. Arnold, Jr. for Constitutional and Statutory Revision: The Committee found that the subject matter is adequately covered in present law and this bill would, therefore, be tautologous. Vote 15-0.

#### **HB 122**, increasing the penalties for simple assault against a family or household member or intimate partner. **INEXPEDIENT TO LEGISLATE**

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: The significant issue that this legislation dealt with is currently covered under state statutes. Vote 20-0.

#### **HB 190**, making luring a minor a crime. **RE-REFER TO COMMITTEE**

Rep. Richard E. Dolan for Corrections and Criminal Justice: This bill makes luring of a minor a crime if it is with a purpose to commit certain unlawful acts against a minor. The committee recognizes the need for the bill, but we need more time to develop language narrow enough to eliminate innocent acts, but broad enough to get the job done. Vote 19-0.

#### **HB 244**, relative to refund anticipation loans and authorizing fees for such loans. **OUGHT TO PASS**

Rep. Donald W. Gorman for Corrections and Criminal Justice: Having reviewed the penalty portion of this bill, the Committee finds the penalties incorporated in this bill to be in agreement with present RSA's. Vote 16-0.

**HB 452**, establishing a study committee to examine the issue of tuition waivers for certain students within the university system of New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. William S. Belvin for Education: This bill would establish a committee to propose legislation granting waivers to first-year students in the university system. To qualify, the student must be a resident and meet certain academic standards. The committee felt the real issue is funding of the system. No sources of funds were identified and an estimate of cost was about \$2 million. In addition, the bill seemed to make more difficult the process of seeking financial aid. Vote 17-0.

**HB 112**, clarifying the administrative powers of the department of environmental services relative to dams, mills and flowage. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: The subject matter in this bill was addressed in HB 387. Therefore, this bill was not needed. Vote 16-0.

**HB 240**, declaring English as the primary language of the state. **INEXPEDIENT TO LEGISLATE**

Rep. Ray F. Langer for Executive Departments and Administration: The bill was voted inexpedient to legislate with the agreement of the sponsors upon the condition that the intent of this bill would be included in other legislation. Vote 18-0.

**HB 353**, relative to state licensed or certified real estate appraisers. **RE-REFER TO COMMITTEE**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill deals with licensed or certified real estate appraisers and how the board functions. The subcommittee recommended Re-Refer because there is a bill in the senate to study issues relative to real estate appraisers. The full committee concurred that Re-Refer would be appropriate so that both bills can be studied to determine what action is needed. Vote 17-0.

**HB 387**, relative to the rulemaking authority of commissioners of state departments. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: The amendment to this bill defines that the department commissioners have the rule-making authority and this will restore the authority for departments under RSA 21-G. The amendment is the result of a subcommittee working with the Attorney General's Office, the departments and the Legislative Services department. This amendment should put to rest questions that arise from time to time in meetings of the joint legislative committee on administrative rules. Vote 16-0.

### **Amendment (1433L)**

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. It is the intent of this act to assure that commissioners of state departments organized under RSA 21-G shall have all rulemaking authority unless the legislature specifically and explicitly provides that an administrative unit or subordinate official shall be given that authority.

2 Gender Neutral Language. Amend RSA 21-G:8, II to read as follows:

II. Each commissioner shall nominate for appointment by the governor, with the consent of the council, each division director within [his] *the commissioner's* department, for all departments established after July 1, 1983, except as otherwise provided by law. Each division director shall be an unclassified employee.

3 Gender Neutral Language. Amend RSA 21-G:9, I to read as follows:

I. The commissioner shall manage all operations of the department and administer and enforce the laws with which [he] *the commissioner* or the department is charged. [He] *The commissioner* shall report directly to the governor.

4 Gender Neutral Language. Amend the introductory paragraph of RSA 21-G:9, II to read as follows:

II. To perform [his] *the commissioner's* duties, the commissioner shall have every power enumerated in the laws, whether granted to the commissioner, the department, or any administrative unit of the department. In accordance with these provisions, the commissioner shall:



5 Rulemaking Authority of Commissioners. Amend RSA 21-G:9, II(b) to read as follows:

(b) Adopt all rules of the department, whether the rulemaking authority delegated by the legislature is granted to the commissioner, the department, or any administrative unit or subordinate official of the department. All rules shall be adopted pursuant to RSA 541-A, *unless specifically and explicitly exempted by law. The provisions of this subparagraph shall control existing legislative enactments unless the provisions of RSA 21-H through RSA 21-P that created the department specifically and clearly confer rulemaking authority on an administrative unit or a subordinate official. The provisions of this subparagraph shall also apply to subsequent legislative enactments unless such enactments are contained in RSA 21-H through RSA 21-P or are specifically exempted from the application of the provisions of this subparagraph by language expressly referring to this subparagraph. The provisions of this subparagraph shall not affect the rulemaking authority of the state board of education.*

6 Gender Neutral Language. Amend RSA 21-G:9, II(d) to read as follows:

(d) Delegate authority to subordinates as [he] *the commissioner* deems necessary and appropriate, except that rulemaking authority shall not be delegated. The commissioner shall provide by delegation for a division director to exercise all authority of the commissioner in [his] *the commissioner's* absence. All such delegations shall be made in writing, shall be disseminated to all division directors, shall clearly delineate the authority delegated and the limitations thereto, and shall be kept on file in the commissioner's office.

7 New Paragraph; Rulemaking Authority for Transportation Appeals Board. Amend RSA 21-L:15 by inserting after paragraph III the following new paragraph:

IV. The board shall adopt rules of procedure for its appeals process under RSA 541-A.

8 New Paragraph; Rulemaking Authority for Railroad Appeals Board. Amend RSA 21-L:16 by inserting after paragraph IV the following new paragraph:

V. The board shall adopt rules of procedure for its appeals process under RSA 541-A.

9 Review of Proposed Rules; Water Resources Council. Amend RSA 21-O:5, V to read as follows:

V. The director of water resources shall present all [proposed] rules *proposed to be implemented by the water resources division* to the water resources council for consideration prior to filing notice of a proposed rule under RSA 541-A:6. The council shall present any objections to proposed rules to the director of water resources *and to the commissioner* in writing within 15 days. The [director of water resources] *commissioner* may adopt a rule to which the council has objected only after presenting a written reply to the council detailing [his] *the* reasons for adopting the rule over the objections of the council.

10 Review of Proposed Rules; Water Supply and Pollution Control Council. Amend RSA 21-O:7, V to read as follows:

V. The director of water supply and pollution control shall present all [proposed] rules *proposed to be implemented by the water supply and pollution control division* to the water supply and pollution control council for consideration prior to filing a notice of proposed rule under RSA 541-A:6. The council shall present any objections to proposed rules to the director of water supply and pollution control *and to the commissioner* in writing within 15 days. The [director of water supply and pollution control] *commissioner* may adopt a rule to which the council has objected only after presenting a written reply to the council detailing [his] *the* reasons for adopting the rule over the objections of the council.

11 Review of Proposed Rules; Waste Management Council. Amend RSA 21-O:9, VI to read as follows:

VI. The director of waste management shall present all [proposed] rules *proposed to be implemented by the division of waste management* regarding solid and hazardous waste management to the waste management council for consideration prior to filing a notice of proposed rule under RSA 541-A:6. The council shall present any objections to proposed rules to the director of waste management *and to the commissioner* in writing within 15 days. The [director of waste management] *commissioner* may adopt a rule to which the council has objected only after presenting a written reply to the council detailing [his] *the* reasons for adopting the rule over the objections of the council.

12 Review of Proposed Rules; Air Resources Council. Amend RSA 21-O:11, V to read as follows:

V. The director of air resources shall present all [proposed] rules *proposed to be implemented by the air resources division* to the air resources council for consideration prior to filing a notice of proposed rule under RSA 541-A:6. The council shall present any objections to the proposed rule to the director of air resources *and to the commissioner* in writing within 15 days. The [director of air resources] *commissioner* may adopt a rule to which the council has objected only after presenting a written reply to the council detailing [his] *the* reasons for adopting the rule over the objections of the council.

13 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill specifies that rulemaking authority is vested in the commissioners of state departments organized under RSA 21-G, unless the legislature specifically gives that rulemaking authority to an administrative unit or subordinate official. The provisions of the bill apply to all existing and future rulemaking authority.

The bill also amends the rulemaking authority for the transportation appeals board, the railroad appeals board, the director of water resources, the director of water supply and pollution control, the director of waste management, and the director of air resources.

The provisions of the bill do not affect the rulemaking authority of the state board of education.

**HB 454**, relative to the membership and regulatory authority of the state board of auctioneers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jon P. Beaulieu for Executive Departments and Administration: This bill will increase the number of public members on the Board of Auctioneers. This will allow for a seven-member board made up of four auctioneers and three public members. This allows for a more balanced approach to the consumer protection problems that have historically plagued this board's decisions. Vote 20-1.

#### Amendment (1269L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to the membership of the state board of auctioneers.

Amend the bill by replacing all after the enacting clause with the following:

1 Board Membership Increased. Amend RSA 311-B:2, I and II to read as follows:

I. There is hereby established a state board of auctioneers consisting of [5] **7** members, including 4 auctioneers and [one] **3** public [member] *members*, appointed by the governor with the advice *and consent* of the council for terms of [5] **3** years. Terms shall expire March 1. All board members shall be residents of this state and no board member shall serve more than [2] **3** consecutive terms *or 9 consecutive years, whichever occurs first*.

II. The public [member] *members* of the board shall be [a person] *persons* who [is] *are* not, and *who* never [was] *have been*, [a member] *members* of the [auctioneering] *auction* profession or the spouse of any such [person] *persons*[, and]. *The public members shall be persons* who [does] *do* not have, and never [has] *have* had, [a material financial interest in either the provision of such professional services] *an auctioneers license* or[, an activity directly related thereto, including] *had* the representation of the board or profession for a fee at any time during the [5] **3** years preceding appointment.

2 Effective Date. This act shall take effect 30 days after its passage.

#### AMENDED ANALYSIS

This bill increases the number of members on the board of auctioneers and revises the provision relative to the public members.

**HB 631**, designating the New Hampshire tartan. **OUGHT TO PASS**

Rep. Kipp A. Cooper for Executive Departments and Administration: This bill will officially recognize a tartan specifically designated for the State of New Hampshire. There will be no cost to the state and the tartan provides a recognizable source of pride for the citizens of our great state. Vote 18-2.

**HB 218-FN**, authorizing the department of environmental services, division of water resources, to acquire Hawkins Pond dam in Centre Harbor. RE-REFER TO COMMITTEE

Rep. Merle W. Schotanus for Finance: Although action to acquire Hawkins Pond dam is in order, it is a long-standing policy of the state to require proof of clear title before acquisition proceeds. The committee prefers to re-refer this bill to allow adequate time for the town of Centre Harbor and the sponsor to insure the Hawkins Pond dam is provided clear ownership title. Vote 24-0.

**HB 471-FN**, relative to the department of corrections, including a corrections impact statement and submission of correctional reports, renaming the division of adult services, and separating the positions of director of adult services and warden. RE-REFER TO COMMITTEE

Rep. Robert L. Wheeler for Finance: The majority of the committee felt that with a growing corrections system the value of this bill should be retained. However, more work is required to get the plan and current practice closer together. Vote 25-0.

**HB 572-FN-A**, relative to the exemption for hospitals under the meals and rooms tax. OUGHT TO PASS

Rep. Donna M. Soucy for Finance: This bill would reinstitute the exemption on hospital meals and rooms (ie., gross patient billing). Since the federal monies that we leveraged through the imposition of this tax are no longer available, failure to pass this bill would result in the imposition of a \$129,413,899 tax on the patients of New Hampshire's hospitals (the equivalent of a 30 percent rate hike in some hospitals). Vote 25-0.

Rep. Robert Foster declared a conflict of interest and did not participate.

**HB 254**, extending the term of the county attorney from 2 to 4 years. RE-REFER TO COMMITTEE

Rep. Richard E. Kennedy for Judiciary and Family Law: This is a means of granting the county delegations the opportunity to explore various options to better serve their respective communities. In this case, the proper administration of justice is a growing concern. By re-referral, the Committee hopes to give the various county delegations and itself the opportunity to explore its options. Vote 14-2.

**HB 347**, relative to threatening a lawsuit. INEXPEDIENT TO LEGISLATE

Rep. Margaret D. Hallyburton for Judiciary and Family Law: The bill addresses what seems to the committee to be a one-time situation, and were it to recur, the bill as worded, would not ensnare the offender. Vote 16-1.

**HB 460**, establishing a procedure to be used in the absence of a living will if the wishes of the terminally ill or permanently unconscious patient were known to other persons. INEXPEDIENT TO LEGISLATE

Rep. Donald F. McMahon for Judiciary and Family Law: This bill sets up an incomplete hierarchy of persons whose concerns should be considered together in making a decision to withdraw life-sustaining procedures. This bill does away with the attending physician's obligation to consult with another physician in such cases. Vote 12-3.

**HB 500**, providing for additional members and extending the reporting date for the committee to study suicide among young people established by 1994, 352:4-8. INEXPEDIENT TO LEGISLATE

Rep. Sandra Balomenos Keans for Judiciary and Family Law: Because of the filing deadline, the sponsors entered this legislation in order to have a vehicle if further work was needed. The sponsors are now asking that this bill be reported inexpedient to legislate because there is currently a health and human services internal committee which is continuing study of this very serious subject. Vote 17-0.

**HB 645**, prohibiting contracts between health maintenance organizations and physicians from containing clauses limiting the liability of the health maintenance organization for actions of the physician for which the health maintenance organization might otherwise have liability. OUGHT TO PASS WITH AMENDMENT

Rep. Sandra Balomenos Keans for Judiciary and Family Law: This legislation is the result of a study committee in 1994 that discovered a loophole in the statutes governing health care insurance providers. Because of the contracts these organizations have with doctors, patients have no one but the doctors to sue in cases of faulty or delayed care. The doctors believe this is unfair because often the care given the patient is frequently dictated by the health organization on the basis of cost. The amendment includes all managed care providers not just HMO's. Vote 17-0.

### **Amendment (1506L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

prohibiting contracts between certain types of insurers and physicians from containing clauses limiting the liability of such insurers for actions of the physician for which the insurers might otherwise have liability.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Hospital Service Corporations; Prohibiting Limitations on Liability. Amend RSA 419 by inserting after section 6 the following new section:

419:6-a Prohibiting Limitations on Liability. No contract between a hospital service corporation and a physician, for the purpose of delineating the rights and obligations of the parties within the provider network, shall limit the liability of the hospital service corporation for any actions of the physician for which the hospital service corporation might otherwise be liable.

2 New Section; Medical Service Corporations; Prohibiting Limitations on Liability. Amend RSA 420 by inserting after section 8 the following new section:

420:8-a Prohibiting Limitations on Liability. No contract between a medical service corporation and a physician, for the purpose of delineating the rights and obligations of the parties within the provider network, shall limit the liability of the medical service corporation for any actions of the physician for which the medical service corporation might otherwise be liable.

3 New Section; Nonprofit Health Service Corporations; Prohibiting Limitations on Liability. Amend RSA 420-A by inserting after section 8 the following new section:

420-A:8-a Prohibiting Limitations on Liability. No contract between a health service corporation and a physician, for the purpose of delineating the rights and obligations of the parties within the provider network, shall limit the liability of the health service corporation for any actions of the physician for which the health service corporation might otherwise be liable.

4 New Paragraph; Health Maintenance Organizations; Prohibiting Limitations on Liability. Amend RSA 420-B:12 by inserting after paragraph VII the following new paragraph:

VIII. No contract between a health maintenance organization and a physician, for the purpose of delineating the rights and obligations of the parties within the provider network, shall limit the liability of the health maintenance organization for any actions of the physician for which the health maintenance organization might otherwise be liable.

5 New Section; Preferred Provider Agreements; Prohibiting Limitations on Liability. Amend RSA 420-C by inserting after section 5 the following new section:

420-C:5-a Prohibiting Limitations on Liability. No contract between a health care insurer and a physician, for the purpose of delineating the rights and obligations of the parties within the provider network, shall limit the liability of the health care insurer for any actions of the physician for which the health care insurer might otherwise be liable.

6 Effective Date. This act shall take effect January 1, 1996.

### **AMENDED ANALYSIS**

The bill prohibits contracts between certain health care insurers and physicians from containing clauses limiting the liability of the insurer for actions of the physician for which the insurer might otherwise be liable.

**HB 406**, relative to community service under workers' compensation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Arthur W. Smith for Labor, Industrial and Rehabilitative Services: Presently, any inmate of a county correctional facility performing work as required under the law is not considered an employee. This bill adds inmate of a state facility to the law and further states that anyone performing community service as ordered by a court or court diversion program, shall not be considered an employee. Vote 17-0.

**Amendment (1340L)**

Amend the unnumbered concluding paragraph of RSA 281-A:2, VII as inserted by section 2 of the bill by replacing it with the following:

"Employee", with respect to public employment shall not include any inmate of a county *or state* correctional facility who is, under RSA 651, required or allowed to work or perform services for which no significant remuneration is provided [or], any volunteer not covered under RSA 281-A:2, VII(b) through (e), who performs services for which no significant remuneration is provided *or any participant performing community service work under a court order or the provisions of a court diversion program.*

**HB 501-FN-L**, relative to public employee collective bargaining. RE-REFER TO COMMITTEE

Rep. Robert H. Turner for Labor, Industrial and Rehabilitative Services: The Labor Committee requests that HB 501 be re-referred to allow its consideration in tandem with HB 610 from the House Municipal and County Government Committee. This will allow both committees to remove conflicting language in these bills. Vote 16-0.

**HB 511-FN**, clarifying the department of labor's authority over third party administrators for workers' compensation. OUGHT TO PASS WITH AMENDMENT

Rep. Lorraine R. Palmer for Labor, Industrial and Rehabilitative Services: The intent of this bill is to give the Commissioner of Labor exclusive jurisdiction to regulate third-party administrators, and to assure that such persons possess the capabilities and financial qualifications sufficient to perform their responsibilities. Vote 12-2.

**Amendment (1687L)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Jurisdiction to Regulate Certain Third Party Administrators. Amend RSA 281-A by inserting after section 5-c the following new section:

281-A:5-d Regulation of Certain Third Party Administrators Serving Self-Insured Programs.

I. For purposes of this section, "third party administrator" means any person contracting with an employer or group of employers authorized to self-insure in accordance with RSA 281-A:5-a, to provide a combination of such services and solicitation of coverage, underwriting, collection of charges or premiums and adjustment or settlement of claims, so as to confer upon such person effective responsibility for management and operation of the self-insurance program.

II. The commissioner shall have exclusive jurisdiction to regulate third party administrators, as defined in this section, to assure that such persons possess capability and financial qualifications sufficient to manage performance of the responsibilities imposed by this chapter upon self-insured employers or groups.

2 Reference Added. Amend the introductory paragraph of RSA 402-H:1, I to read as follows:

I. "Administrator" or "third party administrator" or "TPA" means a person who directly or indirectly solicits or effects coverage of, underwrites, collects charges or premiums from, or adjusts or settles claims on residents of this state in connection with life or health insurance coverage or annuities or workers' compensation insurance, *other than persons subject to regulation under RSA 281-A:5-d* and except any of the following:

3 Rulemaking Added. Amend RSA 281-A:60, I(r) to read as follows:

(r) *Licensing, bonding and qualifications of third party administrators in accordance with RSA 281-A:5-d; establishment of fees not to exceed \$200 for issuance and renewal of licenses, both of which shall be deposited in the general fund; assessment of civil penalties not to exceed \$2,500 for each violation of such rules, which sums shall be deposited in the general fund.*

[(r)] (s) Any other matter necessary to the enforcement or administration of this chapter.

4 Repeal. RSA 402-H:1, I(m), relative to certain groups of employers self-insuring for workers' compensation.

5 Effective Date.

I. Section 3 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect October 1, 1995.

**HB 554-FN-L**, relative to health insurance for workers' compensation recipients. **INEXPEDIENT TO LEGISLATE**

Rep. Robert H. Turner for Labor, Industrial and Rehabilitative Services: This bill requires employers to continue group health insurance benefits for employees who sustain an injury compensable under RSA 281-A until such time as the injured employee is rehabilitated, finds other employment or becomes eligible for medicaid or medicare. This bill would place an unfunded mandate on the employers who do not provide health insurance for their employees. Vote 14-0.

**HB 596-FN-L**, relative to the use of compensatory time for municipal employees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert H. Turner for Labor, Industrial and Rehabilitative Services: This bill as amended, allows municipalities to use compensatory time off as compensation for municipal employees in accordance with RSA 275:43 and provides a standardized procedure for the accrual and use of compensatory time off. The amendment 1680L brings New Hampshire law into compliance with the Federal Fair Labor and Standards Act of 1938 29 USC section 2070, for the use of compensatory time for municipal employees. Vote 14-0.

**Amendment (1680L)**

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Compensatory Time Off. Amend RSA 275:43 by inserting after paragraph IV the following new paragraph:

V. This section shall not be construed to preclude the use of compensatory time off as compensation.

(a) This paragraph applies to:

(1) Governmental entities.

(2) Public sector employees who are under a collective bargaining employment agreement or, if not negotiated through a union or other designated employee representatives, that the agreement or understanding must be reached between employer and employee before the performance of any work.

(b)(1) When the employee requests the use of accrued compensatory time, the request shall be honored within a reasonable period of time unless to do so would unduly disrupt the operation of the employing agency. Mere inconvenience to the employer is an insufficient basis for denial of a request for compensatory time off.

(2) The employer shall not have a policy of requiring the use of compensatory time within a certain period or else the employee will lose it.

(3) Upon termination of employment for any reason, an employee shall be paid for unused compensatory time at the final regular rate received by such employee.

(c)(1) Limitations concerning the ceiling of accrual of compensatory time are as follows:

(A) Public safety, emergency response or seasonal activity employees may accumulate up to 480 hours of compensatory time for 320 actual overtime hours worked. This limitation shall not apply to office personnel or civilian employees who may perform public safety activities on an emergency basis, even if such employees spend substantially all of their time in a particular work week engaged in such activities.

(B) Other public sector employees may accrue up to 240 hours of compensatory time for 160 hours of actual time worked.

(2) If an employee has accrued more than the applicable ceiling for compensatory time, such employee shall be paid overtime pay at time and one half of the employee's regular rate of pay on the designated pay day.

(d) For the purposes of this paragraph:

(1) "Governmental entity" means any branch, department, commission, bureau, agency, or agent of the government of this state or a political subdivision of this state.

(2) "Public safety activities" includes law enforcement, firefighting or related duties.

(3) "Emergency response activities" includes dispatching of emergency vehicles and personnel, rescue work and ambulance services.

(4) "Seasonal activity" includes duties performed by employees assigned to work during periods of significantly increased demands on a regular and recurring basis and during this period protected overtime may result in the accumulation of more than 240 compensatory time hours. These periods of short but intense activity shall not qualify as seasonal.

(e) Nothing in this paragraph modifies or affects any federal law regarding compensatory time off including the Fair Labor Standards Act of 1938, 29 USC section 2070. The purpose of this paragraph is to make compensatory time off available as set forth above under New Hampshire law and not to limit already existing rights and protection. An employer shall provide compensatory time off under whichever statutory provision provides greater rights to employees.

### AMENDED ANALYSIS

This bill provides a standardized procedure for the accrual and use of compensatory time off for certain public sector employees.

**HB 606-L**, excluding certain welfare recipients from the definition of public employee under the workers' compensation law. RE-REFER TO COMMITTEE

Rep. Arthur W. Smith for Labor, Industrial and Rehabilitative Services: The Committee was unable to reach a conclusion as to whether someone in workfare is considered an employee and needs more time to consider this issue. Vote 13-2.

**HB 476-FN**, relative to adding statements of original intent to bills and resolutions. INEXPEDIENT TO LEGISLATE

Rep. Eleanor H. Amidon for Legislative Administration: This is the second time that "adding statements of original intent to bills and resolutions" has been heard by this committee, and for the second time, testimony heard emphasized the financial impact caused by staff preparation and printing. As to whether justice in the courts would be compromised with the "intent" not accompanying the resulting law, was not proved. Vote 13-0.

**HB 267-L**, clarifying the extent to which governmental uses of property shall comply with local land use regulations. RE-REFER TO COMMITTEE

Rep. Katherine H. Metzger for Municipal and County Government: Due to pending legislation in the Senate and further information that surfaced during the hearing, the Committee respectfully requests this bill to be re-referred. Vote 14-0.

**HB 395**, relative to the jurisdiction of the zoning board of adjustment, the appeal of land use decisions, and the exhaustion of administrative remedies. OUGHT TO PASS

Rep. Katherine H. Metzger for Municipal and County Government: The goal of this bill is to clarify and standardize zoning statutes so that disputes can be handled locally instead of going forward to the courts. Vote 19-0.

**HB 398-L**, relative to the membership and certain duties of heritage commissions, historic district commissions, and conservation commissions. OUGHT TO PASS WITH AMENDMENT

Rep. Katherine H. Metzger for Municipal and County Government: The original intent of the bill, which was to allow the membership of the Historic District Commission, the Heritage Commission, and the Conservation District Commission to be the same, was modified to simply allow members of the above commissions to serve on each other's boards. The bill also brings the number of members of each commission into agreement. Vote 14-1.

### Amendment (1546L)

Amend the bill by replacing all after the enacting clause with the following:

1 Membership of Conservation Commission. Amend RSA 36-A:3 to read as follows:

36-A:3 Composition of Commission. The commission shall consist of not less than 3 nor more than 7 members. In a town which has a planning board, one member of the commission may also be on the planning board. In a city which has a planning board, one member of the commission may be on the planning board. In cities, the members of the commission shall be appointed by the mayor subject to the provisions of the city charter, and in towns the members of the commission shall be appointed by the selectmen. Alternate members may be appointed in a like manner and when the alternate serves in the absence or disqualification of a regular member, [he] *the alternate* shall have full voting powers. When a commission is first established, terms of the members shall be for one, 2 or 3 years, and so arranged that the terms of approximately 1/3 of the members will expire each year, and their successors shall be appointed for

terms of 3 years each. Any member of a commission so appointed may, after a public hearing, if requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment. ***Members of a conservation commission also may serve on other municipal boards and commissions, including, but not limited to a historic district commission established under RSA 673:4, and a heritage commission established under RSA 673:4-a.***

2 Powers of Conservation Commissions. Amend RSA 36-A:4 to read as follows:

36-A:4 Powers. Said commission may receive gifts of money and property, both real and personal, in the name of the city or town, subject to the approval of the [city council in a city or the selectmen in a town] ***local governing body***, such gifts to be managed and controlled by the commission for the purposes of this section. Said commission may acquire in the name of the town or city, ***subject to the approval of the local governing body***, by gift, purchase, grant, bequest, devise, lease or otherwise the fee in such land or water rights, or any lesser interest, development right, easement, covenant, or other contractual right including conveyances with conditions, limitations or reversions, as may be necessary to acquire, maintain, improve, protect, limit the future use of or otherwise conserve and properly utilize open spaces and other land and water areas within their city or town, and shall manage and control the same, but the city or town or commission shall not have the right to condemn property for these purposes.

3 Membership of Historic District Commission. Amend RSA 673:4 to read as follows:

I. The historic district commission shall consist of [5 or 7] ***not less than 3 members and no more than 7 members*** who shall be appointed in a manner as prescribed by the local legislative body.

II. Each historic district commission member shall be a resident of the city or town which establishes the district. One commission member shall be a member of the [board of selectmen or the mayor of the municipality] ***local governing body*** and one commission member may be a member of the planning board. ***Not more than 5 alternate members may be appointed. When an alternate sits in absence or disqualification of a regular member, the alternate shall have full voting powers.*** In determining each member's qualifications, the appointing authority shall take into consideration the appointee's demonstrated interest and ability to understand, appreciate and promote the purposes of the historic district commission.

***III. Members of a historic district commission also may serve on other municipal boards and commissions, including but not limited to a conservation commission established under RSA 36-A, and a heritage commission established under RSA 673:4-a.***

4 Members of Heritage Commissions. Amend RSA 673:4-a to read as follows:

673:4-a Heritage Commissions.

I. The heritage commission shall consist of not less than 3 members and no more than 7 members[, all of whom shall be residents in the town or city in which the commission is established] ***who shall be appointed in a manner as prescribed by the local legislative body.***

II. [In cities, members of the commission shall be appointed by the mayor, subject to the provisions of the city charter, and in towns the members shall be appointed by the governing body.] ***Each heritage commission member shall be a resident of the city or town which establishes the commission. One commission member shall be a member of the local governing body.*** One ***commission*** member may be a member of the planning board. [One or 2] ***Not more than 5*** alternate members may be appointed. When an alternate sits in absence or disqualification of a regular member, [he] ***the alternate*** shall have full voting powers. [At least one member of the governing body shall serve as an ex officio member.] If there is a historic district commission, one member of this commission shall be an ex officio member of the heritage commission. ***In determining each members's qualifications, the appointing authority shall take into consideration the appointee's demonstrated interest and ability to understand, appreciate and promote the purpose of the historic district commission.***

III. [All terms shall be for 3 years, except that initial appointments shall be staggered so that 1/3, or as close to 1/3 as possible, of the commission members shall be appointed each year. A vacancy for an unexpired term shall be filled, in the same manner as an original appointment. A chairman shall be elected by the members for a one-year term.] ***Members of a heritage commission also may serve on other municipal board and commissions, including but not limited to a conservation commission established under RSA 36-A, and a historic district commission established under RSA 673:4.***



5 Property Acquired by Heritage Commissions. Amend RSA 674:44-b, II to read as follows:

II. Property. The commission may acquire, in the name of the town or city, *subject to the approval of the local governing body*, by gift, purchase, grant, bequest, devise, lease, or otherwise, a fee or lesser interest, development rights, covenant, or other contractual right, including conveyances with conditions, limitations or reversions, as may be necessary to acquire, maintain, improve, protect, limit the future use of, or otherwise conserve and properly use the cultural resources of the city or town, and shall manage and control the same; provided, however, that the city, town, or commission shall not have the right to condemn property for these purposes.

6 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill makes consistent the statutory provisions concerning the membership of historic district commissions, heritage commissions and conservation commissions.

The bill also allows members of such commissions to serve on other municipal boards and commissions.

**HB 401**, establishing a committee to study payments in lieu of taxes for university system properties which function as businesses open to the public. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for Municipal and County Government: This bill, as amended, establishes a study committee to review the possibility of certain university system and state government operations making payments in lieu of taxes on their property which houses for-profit businesses. The committee felt that the proliferation of such businesses should be reviewed. Vote 16-0.

### Amendment (1581L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing a committee to study payments in lieu of taxes for university system properties and certain state government operations which function as businesses open to the public.

Amend section 1 of the bill by replacing it with the following:

1 Committee to Study Payments in Lieu of Taxes For Certain University System Properties and Certain State Government Operations.

I. There is established a committee to study payments in lieu of taxes for university system properties and state government operations which function as businesses open to the public. The committee shall examine the possibility of payments in lieu of taxes and other possible forms of reimbursement to host communities that provide services to university system properties and to state government operations which function as businesses open to the public which compete with similar privately-owned businesses for profits.

II. The committee shall consist of the following members:

- (a) Four house members, who shall be appointed by the speaker of the house.
- (b) Two senate members, who shall be appointed by the senate president.
- (c) One representative of the university system of New Hampshire, appointed by the chancellor of the university system.
- (d) One member representing the university of New Hampshire, appointed by the president of the university of New Hampshire.
- (e) One member representing Keene state college, appointed by the president of Keene state college.
- (f) One member representing Plymouth state college, appointed by the president of Plymouth state college.
- (g) The commissioner of the department of resources and economic development, or designee.
- (h) Five public members, one each from the towns of Durham, Plymouth, Newbury, and Franconia, and the city of Keene, appointed by the governing body of each municipality.

III. All appointments to the committee shall be made within 30 days of the effective date of this act. The first-appointed house member shall call the first meeting of the committee within 2 weeks after the last appointment is made. At the first meeting, the committee shall elect a chairperson from among its members. Legislative members of the committee shall be voting members, while all non-legislative members shall be nonvoting members. Members of the committee shall serve without compensation, except that legislative members shall receive mileage at the legislative rate.

IV. The committee shall report its findings and recommendations for legislation to the speaker of the house, the senate president, the senate clerk, the house clerk, the governor and the state library on or before November 1, 1995.

### AMENDED ANALYSIS

This bill establishes a study committee regarding the possibility of payments in lieu of taxes for university system properties which function as businesses open to the public and for other state government operations which function as businesses open to the public which compete with similar privately-owned businesses for profits.

**HB 461-L**, relative to requirements for manual and computer assisted property tax revaluations. **INEXPEDIENT TO LEGISLATE**

Rep. Linda T. Foster for Municipal and County Government: The committee believes that the policy concerning notification to property owners regarding revaluations and reappraisals is best addressed at the local level. Individual municipalities may proscribe the form and scope of this notification. Vote 15-0.

**HB 490-FN-L**, requiring tax collectors to provide notice to a mortgagee prior to extermination of its rights in property by issuance of a tax deed. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard Noyes for Municipal and County Government: The only contested question in testimony on this bill was the time needed to notify mortgage holders of pending tax liens on property. Those involved were able to reach agreement satisfactory to both sides. Vote 19-0.

### Amendment (1191L)

Amend the bill by replacing sections 1 and 2 with the following:

1 New Section; Notice to Mortgagee. Amend RSA 80 by inserting after section 38-a the following new section:

80:38-b Notice to Mortgagees. At least 30 days prior to executing the deed under RSA 80:38, the tax collector shall notify each person holding a mortgage upon such property, by certified mail, return receipt requested, of the impending deeding. For purposes of this section, any mortgagee entitled to notice under RSA 80:28 and any mortgagee whose mortgage was recorded in the office of the register of deeds at least 30 days prior to the mailing of the notice shall be entitled to notice. The notice required by this section shall, at a minimum, contain the name of the delinquent taxpayer, a description of the property subject to the tax sale, the total amount for which the real estate was sold and the amount of costs for notifying mortgagees, the issue date of the tax lien deed, the expiration date of the right of redemption, and a warning that the legal interest of the taxpayer and each mortgagee will be extinguished by the tax lien deed if the legal interest in property is not redeemed. The municipality shall receive the reasonable costs of searching the title for recorded mortgages, and the tax collector shall receive \$10 for services plus mailing and reasonable expenses of providing the printed notice required in this section. All costs shall be paid at the time of redemption.

2 New Section; Notice to Mortgagee. Amend RSA 80 by inserting after section 77 the following new section:

80:77-a Notice to Mortgagees. At least 30 days prior to executing the deed under RSA 80:76, the tax collector shall notify each person holding a mortgage upon such property, by certified mail, return receipt requested, of the impending deeding. For purposes of this section, any mortgagee entitled to notice under RSA 80:65 and any mortgagee whose mortgage was recorded in the office of the register of deeds at least 30 days prior to the mailing of the notice shall be entitled to notice. The notice required by this section shall, at a minimum, contain the name of the delinquent taxpayer, a description of the property subject to the tax lien, the amount of the

tax lien and the amount of tax collector's fee and expenses necessary for redemption, the issue date of the tax lien deed, the expiration date of the right of redemption, and a warning that the legal interest of the taxpayer and each mortgagee will be extinguished by the tax lien deed if the legal interest in property is not redeemed. The municipality shall receive the reasonable costs of searching the title for recorded mortgages, and the tax collector shall receive \$10 for services plus mailing and reasonable expenses of providing the printed notice required in this section. All costs shall be paid at the time of redemption.

**HB 504-FN-L**, authorizing the department of revenue administration to return funds to the level recommended by a local budget committee or governing body for mandatory obligations which were reduced or eliminated by the local legislative body. **INEXPEDIENT TO LEGISLATE**

Rep. Marian E. Lovejoy for Municipal and County Government: The committee agreed with the sponsors that there is a problem but this is not the way to fix it. This would give the Department of Revenue Administration the authority to override the vote of the legislative body. This was not the intent of the sponsors, and they testified against it to the committee. Vote 15-0.

**HB 610-L**, integrating changes in the municipal budget act into the laws relating to towns and school districts. **RE-REFER TO COMMITTEE**

Rep. Norma A. Sabella for Municipal and County Government: The committee requests referral of this legislation to allow its consideration in tandem with HB 501 from the Labor Committee. Vote 17-1.

**HB 634-L**, allowing an amount to be assessed as part of village district property tax rates to be used to reimburse municipalities for paying village district tax abatements and interest. **RE-REFER TO COMMITTEE**

Rep. Betsey L. Patten for Municipal and County Government: The sponsor requested this bill to be re-referred until the pending court case is settled. The committee believes that this subject matter is of a nature which requires attention. Vote 16-0.

**HB 635-L**, relative to expenditures by local land use boards. **INEXPEDIENT TO LEGISLATE**

Rep. Katherine H. Metzger for Municipal and County Government: The committee felt that if a planning board imposes costs requirements upon an applicant the board should control the proper disposition of those costs without the oversight of the governing body. This would assure the funds being spent as intended instead of possibly being diverted for other uses. Vote 14-1.

**HB 281**, relative to admission requirements for the veterans' home and changing the composition of the board of managers. **RE-REFER TO COMMITTEE**

Rep. John Flanders for Public Protection and Veterans Affairs: The committee felt there was a problem with the makeup of the Board of Managers and the committee could not come to an agreement in the short time allocated. We believe that more study and refinement is necessary to address the problem and, therefore, voted to re-refer. Vote 14-0.

**HB 391**, increasing the penalty for a person convicted of being an armed career criminal. **RE-REFER TO COMMITTEE**

Rep. George Rubin for Public Protection and Veterans Affairs: The committee feels the bill needs further study due to the many technicalities which need to be addressed in more depth. Vote 14-0.

**HB 613-FN**, relative to protection and control of certain highways. **OUGHT TO PASS WITH AMENDMENT**

Rep. Terence R. Pfaff for Public Works and Highways: This bill, as amended, provides the ability for municipalities to establish weight limits for Class IV, V or VI highways and sets the restoration and posting requirements. Some abuses have recently occurred to use the heretofore seasonal-type road posting to prohibit certain commercial vehicles, including logging trucks, from using municipal roads throughout the year, in essence limiting a use rather than deal with protection of the road. It is anticipated that passage of House Bill 613-FN as amended will address this problem. Vote 18-0.

**Amendment (1673L)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Weight Limits. Amend RSA 231 by inserting after section 189 the following new subdivision:

**Maximum Weight Limits on Class IV, V, and VI Roads**

231:190 Statement of Purpose. The general court finds that important sectors of commerce of this state depend, in part, on the efficient vehicle transport of unprocessed natural resources, manufactured goods and other commercial products across class IV, V, and VI municipal roads. The condition of such roads may at times necessitate that certain limits, seasonal or otherwise, as authorized in RSA 41:11, be placed upon the weight of vehicles that can safely pass across such roads, so as to avoid causing damages which may result in hazards to public safety or excessive municipal expense. The general court urges municipalities to exercise this authority in ways that do not unreasonably infringe on the efficient movement of unprocessed natural resources, manufactured goods and other commercial products essential to a healthy state economy.

**231:191 Maximum Weight Limits.**

I. The governing body of a municipality may establish maximum weight limits, seasonal or otherwise, which are more restrictive than limits set forth in RSA 266:17-26, for any class IV, V, or VI highway or portion of such highway, when the highway agent determines that such highway requires postings to prevent unreasonable damage or extraordinary municipal maintenance expense.

II. Maximum weight limits shall be posted, in the same manner as bridges are posted pursuant to RSA 234:39 and 266:18-c, at all entrances to the restricted highway or portion of such highway from other public highways. Such signage shall be legible, posted in a conspicuous location, and be of weather resistant materials.

III. It shall be unlawful for any person to drive a vehicle in violation of such maximum weight limits without written permission provided in an expeditious manner from the selectmen or highway agent in a town, or the mayor and alderman or street commissioner of a city. The names of the officials authorized to grant written permission shall be posted prominently in the town office or city hall. Officials authorized to grant written permission may impose reasonable conditions and may establish reasonable regulations for bonding and restoring the highway.

IV. A person who violates such maximum weight limits shall be required to restore such highways if the municipality has reason to believe that the highway damage or disturbance is attributable to vehicles or activities under such person's control or responsibility. Upon request, the municipality shall provide such person with the municipality's reasons, including any inspection reports.

V. No vehicle or commercial enterprise serviced by such vehicle shall be exempt from such maximum weight limits because of prior highway use or existing use of abutting land; provided, however, that any owner of land or a commercial enterprise served by such highway, who demonstrates that such limits would entail practical difficulty or unnecessary hardship, and who complies with all conditions and regulations concerning bonding and restoration, shall be granted an exemption unless the exemption be detrimental to public safety. For the purposes of this paragraph, "unnecessary hardship" shall include any weight restriction which results in significant interference with a commercial enterprise or land use which existed prior to the posting of the weight restriction.

VI. Any person who violates any provision of this section or the rules or regulations made under authority under this section shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person; and in addition, shall be liable for the cost of restoration of the highway to a condition satisfactory to the person empowered to give such written permission.

2 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill authorizes municipalities to establish maximum weight limits for class IV, V, or VI highways and establishes posting and restoration requirements.

**HB 258**, relative to dangerous barriers on recreational paths located on certain property. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paula E. Bradley for Resources, Recreation and Development: This bill, as amended, is a request from the Department of Resources and Economic Development, Bureau of Trails to clarify wetlands permitting procedures for those who construct and maintain recreational trails. Vote 14-0.

**Amendment (1295L)**

Amend the title of the bill by replacing it with the following:

**AN ACT**

relative to recreational trails.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Recreational Trails. Amend RSA 482-A:3 by inserting after paragraph XI the following new paragraph:

XII. Persons who construct and maintain recreational trails in accordance with the Trail Administrators Manual published by the department of resources and economic development and who have filed an appropriate notice to construct or maintain such trails with the wetlands board and the department of resources and economic development shall have satisfied the permitting requirements of this section for minimum impact activities, as defined by rules adopted by the wetlands board.

2 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill clarifies certain procedures relative to recreational trails.

**HB 328-FN**, relative to the construction, reconstruction, or repair of boathouses which could be used as dwellings. **OUGHT TO PASS WITH AMENDMENT**

Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development: This bill, as amended, allows owners of boathouses which were legal at the time of their construction to repair and reconstruct their buildings. At present, owners of boathouses which have been used for dwelling purposes cannot be reconstructed if they are destroyed by fire or otherwise. The committee finds that such a prohibition is a taking without compensation and, therefore, gives its unanimous support to the passage of HB 328. Vote 17-0.

**Amendment (1693L)**

Amend the title of the bill by replacing it with the following:

**AN ACT**

relative to reconstruction, or repair of boathouses  
which are suitable for use as dwellings.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The general court recognizes that it is in the best interest of the state to ensure that pollution of the public waters of the state is minimized and the public trust is maintained by requiring that all boathouses used for dwelling purposes be equipped with modern septic systems when any repair or reconstruction takes place.

2 Construction, Reconstruction or Repair of Boathouses. Amend RSA 482-A:26 to read as follows:

482-A:26 [Residential Use Prohibited] *Dwellings Over Water.*

I. No person shall construct [or reconstruct] any structure [intended] *suitable* for use as a dwelling if said structure or any part of said structure extends beyond the shoreline of any public water or publicly-owned water body. [For the purposes of this paragraph, "the shoreline" shall be that shoreline which exists when the surface of the water is at the mean high water level.]

II. No person shall convert or modify any existing structure in order to make said structure suitable as a dwelling if said structure or any part of said structure extends beyond the shoreline of any public water or publicly-owned water body. [For the purposes of this paragraph, "the shoreline" shall be that shoreline which exists when the surface of the water is at the mean high water level.]

3 New Paragraphs; Reconstruction or Repair of Boathouses. Amend RSA 482-A:26 by inserting after paragraph II the following new paragraphs:

III. Existing dwellings over water which were constructed or converted to be made suitable for use as a dwelling in accordance with the law in effect at the time of construction or conversion, may be repaired or reconstructed using any modern technologies. Such repair or reconstruction may alter the interior design or existing cribwork but shall not expand the structure's existing footprint or outside dimensions, unless prior approval under RSA 482-A:3 has been obtained. A condition of approval shall be the existence or installation of a sewage disposal system which has been approved pursuant to RSA 485-A:29-44.

IV. For the purposes of this section:

(a) "Dwelling over water" means any structure suitable for use as a dwelling which extends in any part beyond the shoreline of any public water or public-owned water body.

(b) "Shoreline" means that shoreline which exists when the surface of the water is at the mean high water level.

(c) "Suitable for use as a dwelling" means any structure which is used for residential purposes by one or more persons, or which contains kitchen, bathroom, shower or toilet facilities.

V. The provisions of RSA 482-A:10, I, relative to rehearings and appeals, and RSA 482-A:10, II, relative to takings without compensation shall apply to all decisions of the wetlands board made under paragraph III.

4 Reference Added. Amend RSA 482-A:27 to read as follows:

482-A:27 Penalty. Any person who violates any provision of RSA 482-A:26 shall be required to remove the structure or portion of the structure constructed, reconstructed, **repaired**, converted or modified in violation of said section[, and shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person] **and shall be subject to the civil, criminal and other penalties set forth in RSA 482-A:13, 14 and 14-b.** [Said] **Any criminal fine collected for a violation of RSA 482-A:26** shall accrue to the use of the municipality in which the structure is located.

5 Effective Date. This act shall take effect upon its passage.

**HB 377**, establishing a committee to review the feasibility of funding certain operations at Mittersill ski area. RE-REFER TO COMMITTEE

Rep. William E. Williams, Jr. for Resources, Recreation and Development: This bill is recommended to be re-referred as the Committee felt that considering the proposed study of all ski operations, except Mittersill, it would be prudent to await the outcome of the overall study and then address the Mittersill issue. Vote 16-0.

**HB 393-L**, relative to the approval by the division of water supply and pollution control of plans for sewage disposal systems. OUGHT TO PASS WITH AMENDMENT

Rep. Thomas J. Kirby for Resources, Recreation and Development: This bill acts to clarify certain requirements of RSA 485-A:29, a section of the Sewage Disposal Systems statute. The first clarifying change makes it explicitly clear that only those subdivision plans subject to the approval of the Department of Environmental Services need to be submitted for review. Certain subdivision plans are now exempt from that review. The addition of the word "subdivision" to a later sentence makes even clearer that the plans discussed are subdivision plans. The third and most significant clarification in the bill is the addition of criteria regarding lots containing hydric soils which are not in a wetland. The bill affirms that suitably designed septic systems may be placed adjacent to and within soils which are determined to be located outside of any actual wetland. A precise determination of wetland boundaries allows sewage system construction on certain very large lots where such construction is estimated today to be prohibited under the less precise rules now used. This change achieves the goal of HB 484 to permit sewage system construction on certain large lots with hydric soils outside of an actual wetland. Vote 15-1.

#### **Amendment (1579L)**

Amend the bill by replacing all after the enacting clause with the following:

1 Reference to Plan Approval Clarified. Amend RSA 485-A:29, I to read as follows:

I. Any person proposing either to subdivide land, except as provided in RSA 485-A:33, or to construct a sewage or waste disposal system shall submit 2 copies of such locally approved

plans as are required by the local planning board or other local body having authority for the approval of any such subdivision of land, ***which is subject to division approval*** and 2 copies of plans and specifications for any sewage or waste disposal systems which will be constructed on any subdivision or lot for approval in accordance with the requirements of the division as provided in this paragraph. In the event that such ***subdivision*** plans which receive final local approval differ from the plans which are reviewed by the division, the person proposing the subdivision shall resubmit those plans to the division for reapproval. The planning board or other local body having final local approval authority shall submit one copy of such plans which receive final local approval to the division for informational purposes within 30 days of granting such final approval. The division shall adopt rules, pursuant to RSA 541-A, relative to the submission of plans and specifications as necessary to effect the purposes of this subdivision. The rules shall specify when and where the plans and specifications are to be submitted, what details, data and information are to be contained in the plans and specifications, what tests are to be required, what standards, guidelines, procedures and criteria are to be applied and followed in constructing any sewage or waste disposal system, and other related matters. The rules shall also establish the methodology and review process for approval of innovative/alternative wastewater treatment systems and for approval of a plan for operation, maintenance and financial responsibility for such operations. For any part or parts of the subdivisions where construction or waste disposal is not contemplated, only the lot lines, property boundaries drawn to scale, and general soil and related data shall be required. The constructed sewage or waste disposal systems shall be in strict accordance with approved plans, and the facilities shall not be covered or placed in operation without final inspection and approval by an authorized agent of the division. All inspections by the division shall be accomplished within 7 business days after receipt of written notification from the builder that the system is ready for inspection. Plans and specifications need not be submitted for subdivision approval for subdivisions consisting of the division of a tract or parcel of land exclusively in lots of 5 or more acres in area. ***The presence of hydric soils on lots of 5 or more acres in area shall be insufficient, without additional supporting data, to classify these lots as wetlands, or to make such lots unsuitable for sewage or waste disposal systems designed for poorly drained soils.*** This exemption in no way relieves any person from responsibility for obtaining approval under this chapter for construction of individual or other sewage or waste disposal systems or both in any exempted lots. In such cases, it shall be the responsibility of the subdivider to provide to the lot purchasers satisfactory assurance as the purchasers may require at the time of sale that lots sold shall be adequate to support individual sewage or waste disposal systems or both in accordance with rules adopted by the division and the requirements of this subdivision.

2 Effective Date. This act shall take effect July 1, 1995.

#### AMENDED ANALYSIS

This bill:

(1) Requires any subdivision plans which obtain final approval to be resubmitted to the division of water supply and pollution control if the plans differ from the plans which were renewed by the division.

(2) Provides that the presence of hydric soils on lots of 5 or more acres in area shall be insufficient, without additional supporting data, to classify these lots as wetlands, or to make such lots unsuitable for septic designs suitable for poorly drained soils.

**HB 484-FN**, grandfathering certain sewage disposal systems from the approval requirements established by the department of environmental services. RE-REFER TO COMMITTEE

Rep. Thomas J. Kirby for Resources, Recreation and Development: This bill alters the sewage disposal system application process for lots in existence prior to September 1, 1990. These lots, which were originally considered to be buildable, no longer qualify for septic systems because of recent rule changes by the Department of Environmental Services. At the hearing, it became apparent that the criteria used in the rules is imprecise and has resulted in overly restrictive regulation of septic disposal systems. DES has agreed to waive some of the criteria in its rules until these rules can be amended. The improved criteria are included in an amendment to HB 393. RR&D wants to re-refer HB 484-FN to insure that all appropriate changes are made to DES' rules in order to protect the landowners' rights as well as their health. Vote 12-1.

**HB 309**, relative to pirated recordings. OUGHT TO PASS WITH AMENDMENT

Rep. John H. Thomas for Science, Technology and Energy: Whereas Federal Law, relative to copying and pirating of motion picture and sound recordings fixed after February 15, 1972, it was felt that state law ought to be passed considering those motion pictures and sound recordings fixed prior to February 15, 1972. This bill also increases the criminal penalties and adds fines for violation of the law. Vote 16-0.

**Amendment (1669L)**

Amend the bill by replacing all after the enacting clause with the following:

1 Performer Added. Amend the unnumbered concluding paragraph of RSA 352-A:2, II to read as follows:

Possession of 5 or more duplicate copies or 20 or more individual copies of such recorded articles, produced without the consent of the owner *or performer*, shall create a rebuttable presumption that such articles are intended for sale or distribution in violation of this section.

2 Exception Added. RSA 352-A:2, III is repealed and reenacted to read as follows:

III. This section does not apply to:

(a) Any motion picture or any sound recording initially fixed on or after February 15, 1972; or

(b) Any person who transfers, or causes to be transferred, any such sounds intended for or in connection with:

(1) broadcast or telecast transmissions or related uses, provided the transfer or is engaged in licensed radio or television broadcasting;

(2) archival purposes; or

(3) home or personal use, without involving compensation or profit.

3 Identification. RSA 352-A:3 is repealed and reenacted to read as follows:

352-A:3 Identification Required.

I. Every recorded device, phonograph record, disc, wire, tape, film, video tape, video cassette, video disc or other recorded article now known or later developed on which sounds or images, or both, are recorded, sold, rented or circulated or possessed for the purpose of sale, or rental by any manufacturer, distributor, or wholesale or retail merchant shall conspicuously contain on its packaging the true name and address of the original manufacturer; provided, however, that the term "manufacturer" shall not include the manufacturer of the cartridge or casing itself, or the physical medium used on which to make the recording.

II. Possession of 5 or more duplicate copies or 20 or more individual copies of recordings in violation of this section shall create a rebuttable presumption that such recordings are intended for sale or distribution in violation of this section.

4 New Paragraph; Criminal Penalty. Amend RSA 352-A:5 by inserting after paragraph II the following new paragraph:

II-a.(a) Any manufacturer, distributor or wholesaler who violates RSA 352-A:3 shall be guilty of a class B felony. Each individual recorded article shall constitute a separate offense.

(b) Any other person who violates RSA 352-A:3 shall be guilty of a misdemeanor.

5 Effective Date. This act shall take effect January 1, 1996.

**AMENDED ANALYSIS**

This bill clarifies the law relative to copying of recorded devices.

Referred to Corrections and Criminal Justice.

**HB 520-FN-L**, relative to the regulation of rural electric cooperatives by the public utilities commission. RE-REFER TO COMMITTEE

Rep. Lawrence J. Guay for Science, Technology and Energy: Since it is not an emergency to pass the bill this year, and the Public Utilities Commission Roundtable Discussion along with proposed House study committees will look at all the issues relating to utilities, the committee would like to have the opportunity to study this bill further. Vote 16-0.

**HB 621-FN**, relative to the acquisition of electric service by the Pease development authority. INEXPEDIENT TO LEGISLATE

Rep. Jeb E. Bradley for Science, Technology and Energy: The committee determined that the issue of allowing the Pease Development Authority to purchase electricity on the wholesale



market at competitive prices needs to be examined in the overall context of utility competition. The bill would only allow the purchase of electricity on the wholesale market for the Pease Development Authority. The committee will be intensely studying all of the issues regarding retail and wholesale electric competition and hopes to bring forward legislation that will apply to the entire state not just the Pease Development Authority. Vote 16-0.

**HB 625**, relative to small power producers, qualifying cogenerators, and payment for the purchase of the output of certain facilities. RE-REFER TO COMMITTEE

Rep. Lawrence J. Guay for Science, Technology and Energy: The committee feels that small power producers should be encouraged. A qualifying payment for the output also needs to be addressed. Due to the Public Utilities Commission Round Table Discussion, the proposed study on wheeling and restructuring of utilities, and the willingness by the House to look at all the issues pertaining to electric utilities, the committee recommends study. Vote 16-0.

**HCR 2**, urging the governor to reopen negotiations on the agreement between the state and Northeast Utilities. INEXPEDIENT TO LEGISLATE

Rep. Jeb Bradley for Science, Technology and Energy: The Committee deemed that the issue raised by this resolution can be looked at by the study committee (HB 402) that deals with electric utility restructuring and retail wheeling, if necessary. Vote 17-0.

**HJR 4**, urging the United States Environmental Protection Agency to make certain changes in the Clean Air Act amendments which would enable states to better comply with the law. OUGHT TO PASS WITH AMENDMENT

Rep. Jeb E. Bradley for Science, Technology and Energy: This resolution urges the New Hampshire Congressional Delegation to work with the United States Environmental Protection Agency to make needed changes to the Clean Air Act. It urges a 49-state emission standard rather than a California emission standard. It urges that all voluntary actions taken by a state be given maximum air quality credit. It urges not requiring California's reformulated gasoline. The resolution also urging incentives be considered for purchase of low-emission vehicles. Vote 17-0.

#### **Amendment (1363L)**

Amend the title of the resolution by replacing it with the following:

#### **JOINT RESOLUTION**

urging the United States Congress and the United States Environmental Protection Agency to make certain changes in the Clean Air Act amendments which would enable states to better comply with the law.

Amend the bill by replacing all after the resolving clause with the following:

That the general court urges the United States Congress and the United States Environmental Protection Agency to modify the 1990 federal Clean Air Act amendments by:

- (1) Reducing the \$450 auto emissions repair waiver for at least the first test cycle;
- (2) Implementing a 49-state car emission standard, including that inherently low emission vehicles (ILEVs) should be counted as zero emission vehicles (ZEV) when calculating fleet average and to satisfy the technology advancement component;
- (3) Not requiring California's reformulated gasoline;
- (4) Granting state implementation plans (SIPs) maximum credit for voluntary actions and programs which result in documented lowered levels of emissions; and
- (5) Consider offering incentives for purchasing low emission vehicles (LEVs), ultra low emission vehicles (ULEVs), ILEVs and ZEVs; and

That copies of this resolution, signed by the speaker of the house, the president of the senate, and the governor be sent by the house clerk to the President of the United States, the Director of the United States Environmental Protection Agency, the Speaker and Clerk of the United States House of Representatives, the President and Secretary of the United States Senate, and to each member of the New Hampshire Congressional delegation.

#### **AMENDED ANALYSIS**

This joint resolution urges the United States Congress and the United States Environmental Protection Agency to make certain changes in the Clean Air Act amendments which would enable states to better comply with the law.

**HB 304**, authorizing the use of certain electric-powered craft on certain lakes and ponds, except those used as a public water supply. **UGHT TO PASS WITH AMENDMENT**

Rep. Mark A. Krochmal for Transportation: The amended version of this bill permits the use of electric motors on 13 specified New Hampshire lakes and ponds. Certain technical limitations regarding electric motors were added for clarity and to address future advances in electric motor technology. The effective date was moved so that it would not take effect in the midst of the summer season, and thus provide sufficient time for public notification. Also, the committee felt that by taking this action now, many of New Hampshire's elderly or disabled citizens who might have difficulty rowing a boat or paddling a canoe will have an increased opportunity to get out and enjoy New Hampshire's inland waters. Vote 14-0.

#### **Amendment (1566L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

authorizing the use of electric motors on certain lakes and ponds.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Electric-Powered Craft Allowed on Certain Lakes and Ponds. Amend RSA 270 by inserting after section 75 the following new section:

270:75-a Electric-Powered Craft Authorized. Any person may operate a boat equipped with an electric motor which shall be limited to 4200 watts input at rated horsepower. Batteries shall be securely fastened to the boat to prevent them from being lost overboard. Operation shall be limited to the following lakes and ponds:

I. Cauley Pond in the town of Sanbornton.

II. Center Pond in the town of Nelson.

III. Gilman Pond in the town of Alton.

IV. Hopkins Pond in the town of Andover.

V. Knights Pond in the town of Alton.

VI. Saltmarsh Pond in the town of Gilford.

2 Electric-Powered Motors Authorized. Amend RSA 270:76 to read as follows:

270:76 Lake Whittemore, Abbott Forest Pond in Stoddard, and Tolman Pond in Nelson. No person shall use or operate any motorboat or other boat equipped with an outboard motor on the waters of Lake Whittemore in the town of Bennington, Abbott Forest Pond in the town of Stoddard, or Tolman Pond in the town of Nelson. *Use of electric-powered motors as provided in RSA 270:75-a is authorized.* Whoever violates this section shall be guilty of a violation.

3 Electric-Powered Motors Authorized. Amend RSA 270:78 to read as follows:

270:78 Lucas Pond in Northwood. No person shall operate upon the waters of Lucas Pond in the town of Northwood any boat propelled by [electric,] naphtha, gasoline, steam or other mechanical power, including boats propelled by so-called outboard motors. *Use of electric-powered motors as provided in RSA 270:75-a is authorized.* Any person who operates a boat in violation of this section shall be guilty of a violation. Any fines collected under the provisions of this section shall be for the use of the town of Northwood.

4 Electric-Powered Motors Authorized. Amend RSA 270:81 to read as follows:

270:81 Big and Little Cherry Ponds in Jefferson. No person shall use or operate any motorboat or other boat equipped with an outboard motor on the waters of the Big Cherry Pond or Little Cherry Pond in the town of Jefferson. *Use of electric-powered motors as provided in RSA 270:75-a is authorized.* Whoever violates the provisions of this section shall be guilty of a violation.

5 Electric-Powered Motors Authorized. Amend RSA 270:84 to read as follows:

270:84 Mirror Lake. No person shall use or operate any motorboat or any boat equipped with an outboard motor upon the waters of Mirror Lake in the town of Woodstock. *Use of electric-powered motors as provided in RSA 270:75-a is authorized.* Whoever violates the provisions of this section shall be guilty of a violation.

6 Effective Date. This act shall take effect January 1, 1996.

#### **AMENDED ANALYSIS**

This bill allows electric motors on certain lakes and ponds.

**HB 341**, changing the procedure for the release of a security interest in a motor vehicle.  
**UGHT TO PASS WITH AMENDMENT**

Rep. Sherman A. Packard for Transportation: This bill does two things: It requires any institution that is a lienholder of a motor vehicle title to return the title on a timely basis once the check has cleared or a cash payment has been made; it also sets up a study committee to assess the feasibility of a paperless motor vehicle titling system. Vote 17-0.

**Amendment (1477L)**

Amend the title of the bill by replacing it with the following:

**AN ACT**

changing the procedure for the release of a security interest in a motor vehicle  
 and establishing a committee to assess the feasibility of a  
 paperless title system for motor vehicles.

Amend the bill by replacing all after the enacting clause with the following:

1 Duplicate Title. Amend RSA 261:27, II to read as follows:

II. Upon the satisfaction of a security interest in a vehicle for which the certificate of title is in the possession of a prior lienholder, the lienholder whose security interest is satisfied shall within 10 days after demand [and, in any event within 30 days] execute a release in the form the director prescribes and deliver the release to the owner or any person who delivers to the lienholder an authorization from the owner to receive it. The lienholder in possession of the certificate of title shall either deliver the certificate to the owner, or the person authorized by [him] *the owner*, for delivery to the department or, upon receipt of the release, mail or deliver it with the certificate to the department, which shall release the subordinate lienholder's rights on the certificate or issue a new certificate. *If the lienholder does not have the certificate, then the lienholder shall by the end of the next business day notify the payor by telephone and apply for a duplicate title before depositing any funds tendered by the payor.*

2 Release of Security Interest. Amend RSA 261:38, I to read as follows:

I. If the security interest of a lienholder named in a notice of security interest filed by the department is satisfied, [it shall, within 10 days after demand or, in any event, within 30 days, execute a release of the security interest in the form the director prescribes and mail or deliver the release to the department] *the lienholder shall return the certificate to the payor within 10 days of receipt of satisfaction, unless the payment was made by a bank or certified check, or cash, in which case the lienholder shall return the certificate by the end of the next business day.*

3 Committee Established; Members. There is hereby established a committee to review the relative merits and feasibility of implementing a paperless title system for motor vehicle lienholders in the state. The members of the committee shall be as follows:

I. Four house members, appointed by the speaker of the house.

II. Three senators, appointed by the president of the senate.

4 Duties. The committee shall review information regarding the hardware, software and administrative requirements for instituting a standardized paperless titling system. The information may be secured from any source, including but not limited to the New Hampshire department of safety, the New Hampshire banking department, the New Hampshire Banking Association, and the New Hampshire Automobile Dealers Association.

5 Meetings; Mileage. The first-named house member shall call the first meeting within 30 days of the effective date of this act. The members shall elect a chairperson at the first meeting. Members shall receive legislative mileage.

6 Report. The committee shall submit a report of its findings, including recommendations for legislation, to the speaker of the house and the senate president on or before November 1, 1995.

7 Effective Date. This act shall take effect 30 days after its passage.

**AMENDED ANALYSIS**

This bill:

(1) Requires a lienholder to apply for a duplicate certificate of title if the lienholder does not have the certificate at the time the payor satisfies the security interest.

(2) Requires a lienholder to return the certificate to the payor within 10 days of satisfaction of a security interest, unless payment is made by a bank or certified check in which case the lienholder shall return the certificate by the end of the next business day.

(3) Establishes a committee to assess the feasibility of a paperless motor vehicle titling system. The committee shall submit a report, including any recommendations for legislation, to the speaker of the house and the senate president, on or before November 1, 1995.

**HB 385**, relative to the adjustment and focus of automobile and truck headlights. **INEXPEDIENT TO LEGISLATE**

Rep. Daniel M. Burnham for Transportation: The committee saw little need for this legislation and thought it would be impossible to focus modern headlights, as opposed to adjusting the beam which is the practice at the time of a vehicle's annual inspection. Vote 13-0.

**HB 161**, permitting residents at the Hillsborough county nursing home to fish without a license. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph N. Feuer for Wildlife and Marine Resources: This bill, as amended, grants complimentary fishing permits to all persons who are either patients or residents in all state or county institutions or veterans hospitals or have suffered a rehabilitation head injury. This bill further repeals all previously enacted legislation covering this subject, as it will now be covered under one umbrella. The Executive Director of New Hampshire Fish and Game may adopt a group fee schedule for such permits, pursuant to RSA 541-A. Vote 12-0.

### **Amendment (1656L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

authorizing the executive director of fish and game to issue  
complimentary fishing permits to certain persons.

Amend the bill by replacing all after the enacting clause with the following:

1 New section; Complimentary Fishing Permits. Amend RSA 214 by inserting after section 14-g the following new section:

214:14-h Residents and Patients at Certain Institutions; Complimentary Fishing Permits.

I. The executive director may issue, upon application, a complimentary fishing permit to a state or county institution, nursing home facility, or veterans hospital or to a person who is both a resident of the state and is:

(a) A resident or patient at a state or county institution, nursing home facility or veterans hospital or a person who is developmentally disabled, as defined by RSA 171-A:2, V; or

(b) A patient at a head injury treatment program.

II. The executive director may adopt rules pursuant to RSA 541-A, including, but not limited to:

(a) Criteria for establishing medical need.

(b) The basis of institutionalization, form of treatment and applicable facilities.

(c) The number and form of the permits.

(d) The supervision and use of the permit.

(e) The time periods and other conditions of the permit.

(f) Reporting requirements.

(g) Any definitions.

(h) Fee schedules for group or facility permits.

2 Repeal. The following are repealed:

I. RSA 214:14, relative to fishing permits at certain institutions.

II. RSA 214:14-a, relative to fishing permits for residents at certain institutions.

III. RSA 214:14-b, relative to fishing permits for patients at Rockingham county home and hospital.

IV. RSA 214:14-d, relative to fishing permits for deinstitutionalized patients residing in group homes.

V. RSA 214:14-e, relative to fishing permits for resident students at Pike's school.

VI. RSA 214:14-f, relative to fishing permits for noninstitutionalized disabled persons.

VII. RSA 214:14-g, relative to fishing permits for patients at head injury treatment programs.

3 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill authorizes the executive director of fish and game to issue complimentary fishing permits to patients at state and county institutions, nursing home facilities, veterans hospitals, head injury treatment programs or to persons who are developmentally disabled. The bill also permits issuance of such permits to the institution, facility, or hospital.

Current law permits issuance of complimentary licenses to specifically named institutions, facilities, and programs.

**HB 314-FN, relative to wolf hybrids. OUGHT TO PASS WITH AMENDMENT**

Rep. Bernard Raynowska for Wildlife and Marine Resources: This bill, as amended, will supercede RSA 466-A, which expires September 30, 1995. It defines animal shelters, possession, importation and spayed or neutered wolf hybrids. Proper documentation has also been addressed. Vote 14-0.

**Amendment (1583L)**

Amend the bill by replacing all after the enacting clause with the following:

1 Definition Added. Amend RSA 466-A:1 to read as follows:

466-A:1 Definitions. In this chapter:

**I. "Animal shelter facility" means a facility, including the building and the immediate surrounding area, which is used to house or contain animals and which is owned, operated and maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals or other nonprofit organization devoted to the welfare, protection and humane treatment of animals.**

**[I.] II. "Canine" means a member of a species of mammal consisting of dogs, wolves, jackals, foxes, and coyotes.**

**[II.] III. "Hybrid" means an offspring of 2 animals of different species or genera.**

**[III.] IV. "Owner" means any person keeping, harboring, or having charge or control of a hybrid, or permitting any hybrid to habitually be or remain on, or be lodged or fed within such person's house, yard, or premises. This term shall not apply to veterinarians or kennel operators temporarily maintaining on their premises hybrids owned by other persons.**

**[IV.] V. "Person" means any individual, partnership, company, association, trust, corporation, governmental unit or agency, or any other legal entity.**

**[V.] VI. "Wolf" means any canine classified as *Canis lupus* or *Canis rufus*.**

**[VI.] VII. "Wolf hybrid" means any canine which has had a wolf ancestor within the previous 4 generations. This definition shall include a wolf or wolf hybrid as either a sire or dam, grandsire or dam, great-grandsire or dam or great-great grandsire or dam. An animal shall also be considered a wolf hybrid if it has been represented by its owner or former owner as having wolf ancestry.**

2 General Applicability. Amend RSA 466-A:2 to read as follows:

466-A:2 General Applicability. The provisions of RSA 466, RSA 436:99-109 and RSA 644:8, shall apply to [this chapter] **wolf hybrids**, except as modified by the provisions of this chapter. [The licensing requirement of RSA 466:1 shall not apply until January 1, 1995.]

3 Reference Change. Amend RSA 466-A:3, I to read as follows:

I. No person shall sell, offer for sale, trade, give away, acquire, import, export, release or cause to be released a wolf hybrid in the state of New Hampshire, except as provided in paragraph II, **II-a, or II-b.**

4 Reference Changes. Amend RSA 466-A:3, II to read as follows:

II. No person shall possess a wolf hybrid, except for:

(a) Those wolf hybrids that the person owns while residing in New Hampshire on [the effective date of this chapter] **June 6, 1994;**

(b) Those wolf hybrids born in New Hampshire to a canine that was both pregnant with such wolf hybrids and owned in New Hampshire on [the effective date of this chapter. Such offspring, and wolf hybrids that are both owned in New Hampshire and less than 3 months of age on the effective date of this chapter may be sold, offered for sale, traded, given away or acquired until January 1, 1995] **June 6, 1994; or**

(c) Those wolf hybrids used as sled dogs; or

(d) Those wolf hybrids used by law enforcement agencies] *which are temporarily brought into the state for competitive events.*

5 New Paragraphs; Importation. Amend RSA 466-A:3 by inserting after paragraph II the following new paragraphs:

II-a. A person may import a wolf hybrid provided the wolf hybrid is spayed or neutered and has proper documentation of the spaying or neutering.

II-b. The transfer of ownership and possession of a wolf hybrid from a person to an animal shelter facility is permitted.

6 Records. Amend RSA 466-A:3, III to read as follows:

III. Any person possessing [or acquiring] a wolf hybrid shall keep accurate licensing and vaccination records, as required by RSA 466-A:2 *and neutering records, as provided in RSA 466-A:3, II-a*, which shall be available for inspection by an animal control officer or law enforcement officer.

7 Repeal of Prospective Repeal. 1994, 265:5, relative to the repeal of RSA 466-A, is repealed.

8 Effective Date. This act shall take effect September 29, 1995.

### AMENDED ANALYSIS

This bill allows a person to import a wolf hybrid if the wolf hybrid is spayed or neutered. The bill also repeals the prospective repeal of the chapter relative to wolf hybrids.

### REGULAR CALENDAR

**HB 286**, allowing certified mental health counselors and marriage and family therapists to obtain third party payment for services rendered. INEXPEDIENT TO LEGISLATE

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: The Health and Human Services & Elderly Affairs Committee has a bill in study dealing with licensing and certification of Mental Health care providers. The Commerce Committee feels this issue is better dealt with in that study. Vote 14-5.

Adopted.

**HB 431**, relative to the bank commissioner's supervision of New Hampshire bank holding companies and out-of-state bank holding companies doing business in New Hampshire. OUGHT TO PASS WITH AMENDMENT

Rep. Eric N. Lindblade for Commerce, Small Business, Consumer Affairs and Economic Development: Thirty-three states currently have laws that grant the Banking Commissioner supervisory authority over bank holding companies. Many changes are anticipated in New Hampshire because of the enactment of the Neal/Reigle Interstate banking and branching bill which opens our borders to all out-of-state banks. The necessity for enhancing the powers of the bank commissioner became obvious. This bill provides the commissioner with the needed regulatory powers before rather than after the fact of increased holding company activity in 1997. Vote 18-0.

### Amendment (1575L)

Amend RSA 383:9-g as inserted by section 1 of the bill by replacing it with the following:

383:9-g Bank Holding Companies. The bank commissioner shall also have general supervision of any New Hampshire bank holding company, as defined by RSA 384:44, VIII, and of any out-of-state bank holding company, as defined by RSA 384:44, X, doing business in New Hampshire. The commissioner may require any bank holding company to furnish whichever reports the commissioner deems appropriate to the proper supervision of such bank holding company. Unless the commissioner determines otherwise, reports prepared for federal authorities may be submitted by such bank holding company in satisfaction of the requirements of this section. If such information and reports are inadequate in his judgment for that purpose, the commissioner may examine such bank holding company and any of its subsidiaries doing business in New Hampshire. The proper charges which are incurred by reason of any such examination, including, but not limited to, examiner salaries and the benefits portion of such salaries, transportation, meals, lodging and other associated costs, shall be paid by the bank holding company examined.

Adopted.

Report adopted and ordered to third reading.

**HB 446**, relative to mental health care benefits within the HMO networks. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Suzanne K. Loder for the Majority of Commerce, Small Business, Consumer Affairs and Economic Development: This bill requires each Health Maintenance Organization (HMO) to publish and provide its subscribers a list of psychiatrists and mental health care providers within its network. The HMO shall allow its subscribers two visits for diagnosis and up to three treatment visits. A primary care physician may refer an enrolled subscriber to mental health care providers within the network without an economic penalty to the primary care physician. Vote 10-8.

Rep. Keith R. Herman for the Minority of Commerce, Small Business, Consumer Affairs and Economic Development: The minority truly has the consumer's interests in mind. This bill (and subsequent amendment) strikes at the heart of the HMO/managed care system. Supporters of this bill believe mental health patients are not receiving adequate care under the current HMO regulations. The supporters fail to recognize that this bill does not protect the patient, but rather the mental health provider. The standard procedure for most HMOs is to provide a mental health patient with 30 days of in-patient care. Afterwards, the patient is referred to an appropriate provider of mental health services (a psychiatrist for example) for an evaluation. The patient is then allowed a return visit for follow-up care. If it is determined by the mental health provider that the patient still needs care, they must notify the HMO to receive approval for payment of the additional care. This is called "utilization review". The current average number of visits which a patient needs is eight. This bill mandates that HMOs provide at least five visits to a mental health practitioner before there is any utilization review. This mandate will have two major effects on patients and consumers: 1. Since the bill mandates at least five visits, the HMOs will price their premiums accordingly. This will raise the cost of health care to all subscribers. 2. The mandate of five visits prior to utilization review will cause the HMOs to adopt more stringent utilization review procedures. Thus, potentially decreasing the average number of visits from eight to five. We believe that the consumer, and ultimately the patient, will be better served by allowing the HMOs to operate as designed. In fact, this bill was recommended ITL by the subcommittee on a vote of 4-0. If you believe, like the minority, that managed care systems reduce cost and provide insurance to those who may not be able to purchase commercial insurance otherwise, you will vote against the amendment and the majority report.

#### **Amendment (1664L)**

Amend RSA 420-B:8-b, I(b) as inserted by section 1 of the bill by replacing it with the following:

*(b) In addition to the requirements of subparagraph (a), every health maintenance organization offering such benefits shall provide to its subscribers a list of psychiatrists and mental health care providers within the organization's network. The health maintenance organization shall allow its subscribers 2 visits for diagnosis followed by up to 3 treatment visits. Subsequent visits may be subject to utilization review. The policy shall also include a statement that a primary care physician may refer an enrolled participant to a psychiatrist or other mental health care provider within the organization's network. There shall be no economic penalty to the primary care physician for such a referral.*

Rep. Herman spoke against.

Reps. Loder spoke in favor and yielded to questions.

Rep. Syracuse spoke in favor.

Adopted.

On a division vote, 200 members having voted in the affirmative and 135 in the negative, the report was adopted and the bill was ordered to third reading.

**HB 468**, relative to mutual savings bank. OUGHT TO PASS WITH AMENDMENT

Rep. Elizabeth L. Crory for Commerce, Small Business, Consumer Affairs and Economic Development: The Federal Deposit Insurance Corporation has recently adapted a rule concerning the conversion of savings banks from mutual to stock form or into a mutual holding company structure. All of the existing New Hampshire mutual savings banks were chartered by special legislative acts. There is further need to augment statutory law regarding the nature of their mutual character, the rights and duties of the corporation, trustees, and other persons hav-

ing an interest in a mutual savings bank. As amended, this bill clarifies these rights and duties and also clarifies investment authorities and provisions relating to the conversion of a mutual savings bank into a mutual holding company. Vote 18-0.

#### **Amendment (1480L)**

Amend RSA 386:59 and 386:60 as inserted by section 1 of the bill by replacing them with the following:

386:59 Duties of Trustees of Mutual Savings Banks. The management of a mutual savings bank shall be vested solely in its board of trustees. The trustees shall have all powers and authorities granted under the charter and bylaws of the bank and applicable federal and state laws, rules, and regulations. The trustees shall be required to review and approve by majority vote, or by higher vote if required by applicable state laws or rules or by the charter or bylaws, any matter expressly reserved for the approval of corporators under RSA 386:60 prior to submitting the matter to the corporators for their approval. In exercising their duties as trustees, the trustees shall consider the interests of the depositors, borrowers, and other customers of the bank, the general benefit and economic well-being of the communities served by the bank and the safety, soundness, and general business needs of the bank. The trustees shall be accountable to the corporators for the proper discharge of their duties.

386:60 Duties of Corporators of Mutual Savings Banks. Except as expressly provided in RSA 386:59, the corporate powers of a mutual savings bank shall be vested solely in the corporators, who shall be deemed to be exclusively representative of, and shall exclusively represent, the various interests and communities served by the bank. Each corporator shall be entitled to cast one vote and may vote in person or by proxy. The corporators shall elect persons to serve as corporators and trustees, and may remove any corporator or trustee who has failed to properly discharge his or her duties, in the manner prescribed by the charter and bylaws. The corporators shall have authority to approve by majority vote, or by higher vote if required by applicable state laws or rules or by the charter or bylaws, the amendment of the charter and bylaws, the conversion of the bank from mutual to stock form, the formation of a mutual bank holding company, the merger or consolidation of the bank with any other banking organization, the voluntary liquidation of the bank, and any other matter expressly reserved for the approval of corporators under applicable state laws or rules or the charter or bylaws of the bank. The corporators shall consider the interests of the depositors, the borrowers and other customers of the bank, the general benefit and economic well-being of the communities served by the bank, and the safety, soundness, and general business needs of the bank in exercising their duties as corporators.

Amend RSA 386:61, III as inserted by section 1 of the bill by replacing it with the following:

III. Depositors shall have the right to vote to give approval to a conversion of a bank from mutual to stock form in a transaction involving the issuance of securities of any bank or bank holding company other than the securities of the converting bank or the securities of a holding company organized by the converting bank in order to acquire its capital stock, as required in RSA 386:10, II. Each depositor shall be entitled to cast one vote and may vote in person or by proxy.

Adopted.

Report adopted and ordered to third reading.

#### **HB 576-FN, relative to genetic testing. OUGHT TO PASS WITH AMENDMENT**

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: This bill, as amended, is timely and comprehensive. It will lessen the probability of incidents of genetic discrimination in New Hampshire and will foster an environment in which people who choose to seek genetic data about themselves could do so without fear of later loss of insurance or employment access. Vote 17-1.

#### **Amendment (1657L)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Genetic Testing. Amend RSA by inserting after chapter 141-G the following new chapter:

#### **CHAPTER 141-H GENETIC TESTING**

141-H:1 Definitions. In this chapter:



I. "Disability income insurance" means insurance intended to protect against loss of occupational earning capacity arising from injury, sickness or disablement, including insurance that provides benefits for overhead expenses or purchase of a business or profession when the insured becomes disabled.

II. "Employment" means work performed by an employee for an employer for remuneration.

III. "Employment agency" has the meaning given in RSA 354-A:2, VIII.

IV. "Genetic testing" means a test, examination or analysis which is generally accepted in the scientific and medical communities for the purpose of identifying the presence, absence or alteration of any gene or chromosome, and any report, interpretation or evaluation of such a test, examination or analysis, but excludes any otherwise lawful test, examination or analysis that is undertaken for the purpose of determining whether an individual meets reasonable functional standards for a specific job or task.

V. "Health insurance" means any arrangement with any entity which pays medical claims on behalf of an individual, an employee or dependents, including any such arrangement evidenced by a hospital or medical policy or certificate, hospital or medical service plan or contract, or health maintenance organization group or individual subscriber contract, or self insurance plan or contract, or other evidence of coverage, except for the purposes of this chapter, "health insurance" shall not mean life, disability income, or long-term care insurance.

VI. "Individual" means a human being.

VII. "Labor organization" has the meaning given in RSA 354-A:2, X.

VIII. "Licensing agency" means a unit of government which is authorized to grant, deny, renew, revoke, suspend, annul, withdraw, or amend an occupation license.

IX. "Life insurance" means insurance in which the risk contemplated is the death of a particular individual upon which event the insurer pays a stipulated sum, or the type of insurance defined in RSA 401:1, III.

X. "Long-term care insurance" means the types of insurance defined in RSA 415-D:3, V.

XI. "Person" includes a human being, an association or organization, a trust, corporation and partnership.

#### 141-H:2 Conditions of Genetic Testing.

I. Except as otherwise provided in this chapter, no individual or member of the individual's family shall be required to undergo genetic testing as a condition of doing business with another person.

II. Except as required to establish paternity under RSA 522, or as required to test newborns for metabolic disorders under RSA 132:10-a, or as required for purposes of criminal investigations and prosecutions, or as is necessary to the functions of the office of chief medical examiner, no genetic testing shall be done in this state on any individual or anywhere on any resident of this state based on bodily materials obtained within this state, without the prior written and informed consent of the individual to be tested. The results of any such test shall be provided only to those persons approved in writing by the individual. No person shall refuse to perform genetic testing, or to arrange for genetic testing to be performed, or to do business with an individual, solely because the individual to be tested refuses to consent to providing the test results to some or all persons.

III. Except as provided in paragraph II, no person shall disclose to any other person that an individual has undergone genetic testing, and no person shall disclose the results of such testing to any other person, without the prior written and informed consent of the individual.

#### 141-H:3 Use of Genetic Testing in Employment Situations.

I. No employer, labor organization, employment agency or licensing agency shall directly or indirectly:

(a) Solicit, require or administer genetic testing relating to any individual as a condition of employment, labor organization membership or licensure.

(b) Affect the terms, conditions or privileges of employment, labor organization membership or licensure or terminate the employment, labor organization membership or licensure of any individual based on genetic testing.

II. Except as provided in paragraph IV of this section, no person shall sell or otherwise provide to an employer, labor organization, employment agency or licensing agency any genetic testing relating to an employee, labor organization member or licensee or to a prospective employee, labor organization member or licensee.

III. Any agreement between an employer, labor organization, employment agency or licensing agency and an individual offering employment, labor organization membership, licensure or any pay or benefit to that individual in return for taking a genetic test is prohibited.

IV. This section shall not prohibit the genetic testing of an employee who requests to undergo genetic testing and who provides written and informed consent to genetic testing for any of the following purposes:

(a) Investigating a worker's compensation claim under RSA 281-A.

(b) Determining the employee's susceptibility or level of exposure to potentially toxic chemicals or potentially toxic substances in the workplace, if the employer does not terminate the employee, or take any other action that adversely affects any term, condition or privilege of the employee's employment, as a result of genetic testing.

V. This section shall not prohibit or limit genetic testing for evidence of insurability with respect to life, disability income, or long-term care insurance under the terms of an employee benefit plan.

141-H:4 Use of Genetic Testing in Health Insurance. A health insurer in connection with providing health insurance shall not:

I. Require or request directly or indirectly any individual or a member of the individual's family to undergo genetic testing.

II. Require or request directly or indirectly any individual to reveal whether the individual or a member of the individual's family has undergone genetic testing or the results of the testing, if undergone by the individual or a member of the individual's family.

III. Condition the provision of health insurance coverage or health care benefits on whether an individual or a member of the individual's family has undergone genetic testing or the results of the testing, if undergone by the individual or a member of the individual's family.

IV. Consider in the determination of rates or any other aspect of health insurance coverage or health care benefits provided to an individual whether an individual or a member of the individual's family has undergone genetic testing or the results of the testing, if undergone by the individual or a member of the individual's family.

141-H:5 Use of Genetic Testing in Life, Disability Income, and Long-term Care Insurance.

I. Except as provided in paragraph II of this section, the provisions of this chapter shall not apply to the provision of life insurance, disability income insurance, or long-term care insurance.

II. A person in the business of providing life, disability income, or long-term care insurance who obtains information with respect to any genetic testing of an individual or a member of the individual's family shall not use that information in writing a type of insurance coverage other than life, disability income, or long-term care insurance.

141-H:6 Civil Action. An aggrieved individual may bring a civil action under this chapter and, if successful, shall be awarded special or general damages of not less than \$1,000 for each violation, and costs and reasonable legal fees.

2 Effective Date. This act shall take effect January 1, 1996.

Adopted.

Report adopted and ordered to third reading.

**(Rep. David Scanlan in the Chair)**

**HB 608-FN**, relative to the authority of health maintenance organizations. MAJORITY: IN-EXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Keith R. Herman for the Majority of Commerce, Small Business, Consumer Affairs and Economic Development: This bill has many problems. Technically, there are items which have not been properly reviewed. 1. The bill does not provide for a definition of "network" and "primary care physician" as stated in section 1 numeral I of the bill. 2. Letter (f) of section 2 is already being addressed in HB 446. Philosophically, this bill would eliminate the HMO/managed care system. The purpose of managed care is to provide adequate health care in a cost-efficient manner. This is accomplished by allowing the managing company to determine which physicians can perform necessary care, how often a patient may visit that physician to solve the medical problem, and at what rate that physician will be compensated for the care. By allowing this managed care system to exist we, the legislature, have provided access to health care for

thousands of employees of small businesses which otherwise would be without health insurance, or would have to pay out-of-pocket. This will remove the cost-monitoring mechanism for the managing companies. This bill allows a patient to visit a second physician, after being evaluated and treated by his own physician of choice. It requires the managing company to pay for this second visit. There is no opportunity for the managing company to evaluate the need and there is no guarantee that the second visit will result in better care. The net result is higher costs to all the subscribers of the managed care system. In fact, the Office of Legislative Budget Assistant has determined that the passage of this bill will result in a cost to the State of approximately \$1.5 million in each of the next five years. This goes against the entire philosophy of the HMO/managed care system. Vote 10-8.

Rep. Elizabeth L. Crory for the Minority of Commerce, Small Business, Consumer Affairs and Economic Development: This bill is a serious response to New Hampshire HMO subscribers who have been denied access to specialist care by their primary care physician. Currently, primary care physicians under contract to HMO's are offered incentives to limit referrals and are penalized when they exceed referred limits. This bill would allow subscribers with proper notice to self-refer for one reimbursed specialist visit within their HMO network. HMO's will also be required to offer an out-of-network reimbursement option. The fiscal impact statement provided by the insurance department was based on incorrect analysis and is being re-drafted. Additional disclosure requirements for HMOs in this bill provide important and necessary information to health insurance consumers.

Rep. Crory spoke against and yielded to questions.

Reps. Herman and Bonnie Packard spoke in favor and yielded to questions.

Reps. Carson and Henderson spoke in favor.

Reps. Gage and Fuller Clark spoke against.

On a division vote, 217 members having voted in the affirmative and 138 in the negative, the Majority report was adopted.

**CACR 5**, relating to the role of the governor and repealing articles relative to the judiciary. Providing that the governor shall be the supreme executive magistrate, and that articles relative to the judicial powers of the courts and the supreme court and its administration shall be repealed. MAJORITY: RE-REFER TO COMMITTEE. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Stephen J. Adams for the Majority of Constitutional and Statutory Revision: The majority of the Committee felt that the questions raised by this Constitutional amendment were not adequately answered and, due to the seriousness of the issue, needed more input to arrive at an informed decision. Vote 9-7.

Rep. Charles W. Chandler for the Minority of Constitutional and Statutory Revision: The minority believes that CACR 5 has been fully and fairly researched, discussed, and analyzed and there would be no gain in re-referring the matter to committee. On its face, CACR 5, to the minority, would be destructive of Constitutionally separated powers of the legislative, executive, and judicial branches of government.

Roll call request not sufficiently seconded.

On a division vote, 218 members having voted in the affirmative and 115 in the negative, the Majority report was adopted.

**HB 235**, to establish new state representative districts for the city of Laconia. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Charles W. Chandler for the Majority of Constitutional and Statutory Revision: This bill assists the city of Laconia in returning to one legislative representative per ward, as was overwhelmingly voted by the city in November, 1993, and which has existed historically in the city. Vote 13-2.

Rep. Philip T. Cobbin for the Minority of Constitutional and Statutory Revision: Allowing a city to effectively reapportion, after an apportionment in response to the decennial census has been accomplished, is poor policy, inviting two bites at the apple as a precedent for the future.

Rep. Rosen spoke against.

Reps. Charles Chandler and Turner spoke in favor.

Reps. Robert Lawton and Cobbin spoke against and yielded to questions.

Rep. Holden spoke in favor and yielded to questions.

Rep. Holden requested a roll call; sufficiently seconded. The question being the adoption of the Majority report.

## YEAS 210 - NAYS 136

### YEAS 210

#### BELKNAP

Bartlett, Gordon	Cain, Thomas	Holbrook, Robert	Turner, Robert
Ziegra, Alice			

#### CARROLL

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Dickinson, Howard, Jr.
Kenney, Joseph	Lyman, L. Randy		

#### CHESHIRE

Avery, Stephen	Burnham, Daniel	Champagne, Richard	Cole, Stacey
DePecol, Benjamin	Hunt, John	Kingsbury, H. Thayer	Lynch, Margaret
Manning, Joseph	Metzger, Katherine	Richardson, Barbara	Riley, William
Robertson, Timothy	Royce, H. Charles	Russell, Ronald	Smith, Edwin
Wollner, Robert			

#### COOS

Coulombe, Henry	Coulombe, Yvonne	Guay, Lawrence	Hawkinson, Marie
Merrill, Gerald			

#### GRAFTON

Bean, Pamela	Below, Clifton	Brown, Alson	Brown, Channing
Connolly, Steven	Copenhaver, Marion	Eaton, Stephanie	Guest, Robert
Hill, Richard	LaMott, Paul	Larson, Nils, Jr.	Lovett, Sidney
MacNeil, Allen	Nordgren, Sharon	Teschner, Douglass	Tucker, John

#### HILLSBOROUGH

Ahern, Richard	Alukonis, David	Andrews, Frederick	Asselin, Robert
Belvin, William	Bergeron, Normand	Bridgewater, Charles	Brundige, Robert
Buckley, Raymond	Calawa, Leon, Jr.	Cepaitis, Elizabeth	Champagne, Norma
Cote, David	Cote, Peter	Desmarais, Vivian	Drabinowicz, A. Theresa
Durham, Susan	Dyer, Merton	Emerton, Lawrence, Sr.	Ferguson, Charles
Foster, Linda	Gagnon, Eugene	Goulet, Maurice	Haettenschwiller, Alphonse
Hall, Betty	Hallyburton, Margaret	Hart, Nick	Holden, Carol
Holley, Sylvia	Hunter, Bruce	Jean, Claudette	Johnson, Lionel
Kane, Laura	Kelley, Robert	L'Heureux, Robert	LaRose, Richard
Laughlin, J. Francis	Legacy, Earl	MacIntyre, Doris	Marcinkowski, Michael
Martin, Mary	McCarty, Winston	Melcher, Harold	Mercer, Robert
Messier, Irene	Moncrief, Keith	O'Hearn, Jane	O'Rourke, Joanne
Packard, Bonnie	Pepino, Leo	Perkins, Paul	Peters, Stanley
Sallada, Roland	Sargent, Maxwell	Searles, Stanley, Sr.	Soucy, Donna
Soucy, Richard	Streeter, Janice	Sullens, Joan	Thulander, O. Alan
Toomey, Kathryn	Turgeon, Roland	Wheeler, Robert	White, Donald
White, John			

#### MERRIMACK

Chandler, Charles	Chandler, Earle	Chandler, John	Daneault, Gabriel
DeStefano, Stephen	Dunn, Miriam	Feuerstein, Martin	Hess, David
Lamach, Bernard	Langer, Ray	Lockwood, Robert	MacKay, James
Moore, Carol	Newland, Matthew	Owen, Derek	Rogers, Katherine
Shaw, Randall	Varsalone, Robert	Wallner, Mary Jane	Warner, Richard
Weeks, John, Jr.	Willis, Jack	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis  
Christie, Andrew, Jr.  
Crossman, Harold, Jr.  
Gorman, Donald  
Langley, Jane  
Nowe, Ronald  
Rubin, George  
Splaine, James  
Tufts, J. Arthur

Aranda, M. Kathryn  
Clark, Martha  
Dolan, Richard  
Hawkins, Robert  
Magoon, Harold  
Packard, Sherman  
Sabella, Norma  
Stone, Joseph  
Vaughn, Charles

Arndt, Janet  
Coes, Betsy  
Dowling, Patricia  
Kane, Cecelia  
McCarthy, John, Jr.  
Pantelakos, Laura  
Senter, Marilyn  
Syracusa, Anthony  
Weare, Everett

Case, Margaret  
Conroy, Janet  
Flanders, David  
Klemm, Arthur, Jr.  
McGovern, Cynthia  
Raynowska, Bernard  
Simmons, John Anthony  
Sytek, Donna  
Yennaco, Carol

**STRAFFORD**

Berube, Roger  
Douglass, Clyde  
Hemon, Roland  
Lundborn, Raymond  
Pelletier, Arthur  
Sullivan, Henry  
Torr, Ralph  
Williams, Howard

Brown, George  
Dunlap, Patricia  
Hilliard, Dana  
Merrill, Amanda  
Snyder, Clair  
Tessimond, Shane  
Vincent, Francis

Callaghan, Frank  
Grassie, Anne  
Knowles, William  
Merritt, Deborah  
Spear, Barbara  
Torr, Ann  
Wall, Janet

DeChane, Marlene  
Hambrick, Patricia  
Loder, Suzanne  
Musler, George  
Steadman, Frederick  
Torr, Franklin  
Wheeler, Katherine

**SULLIVAN**

Allison, David  
Lindblade, Eric

Cloutier, John  
Palmer, Lorraine

Flint, Gordon  
Schotanus, Merle

Krueger, Richard  
Whipple, Allen

**NAYS 136****BELKNAP**

Boriso, Thomas  
Lafiam, Robert  
Rosen, Ralph

Golden, Paul  
Lawton, David  
Smith, Linda

Hurt, George  
Lawton, Robert  
Thomas, John

Johnson, James  
Rice, Thomas, Jr.  
Wendelboe, Francine

**CARROLL**

Beach, Mildred  
Mock, Henry

Cooper, Kipp  
Patten, Betsey

Foster, Robert  
Philbrick, Donald

Howard, Godfrey

**CHESHIRE**

Delano, Robert

Feuer, Joseph

Laurent, John

Steere, Myron, III

**COOS**

Davis, Perley  
St. Hilaire, Paul

Horton, Lynn

Mears, Edgar

Pratt, Leighton

**GRAFTON**

Chase, Paul, Jr.  
Mirski, Paul

Cobbin, Philip  
Phinney, William

Crory, Elizabeth  
Trelfa, Richard

Ham, Bonnie  
Williams, William, Jr.

**HILLSBOROUGH**

Aksten, Cheryl  
Chabot, Robert  
Desrosiers, William  
Dykstra, Leona  
Gibson, John  
Holt, David  
Lefebvre, Roland  
McMahon, Donald  
Reidy, Frank  
Worthen, Dorothy

Barry, Janet  
Clegg, Robert, Jr.  
Dodge, Emma  
Fenton, James  
Gotham, Rita  
Jean, Loren  
Letendre, Evelyn  
McRae, Karen  
Riley, Frances  
Wright, George

Boutin, David  
Clemons, Jane  
Dokmo, Cynthia  
Fields, Dennis  
Hansen, Herbert  
Krochmal, Mark  
Luebker, Bernard  
Mittelman, David  
Showerman, Peter

Burke, M. Virginia  
Daniels, Gary  
Dwyer, Paul, Sr.  
Francoeur, Gary  
Herman, Keith  
Kurk, Neal  
MacGillivray, Jeffrey  
Pappas, Marc  
Taylor, Paul

**MERRIMACK**

Adams, Stephen	Barberia, Richard	Brown, Mary	Buessing, Marjorie
Crowell, Peter	Holmes, Mary	Jacobson, Alf	Little, Michael
Morrill, Olive	Nichols, Avis	Patenaude, Amy	Pitman, Mary Ellen
Whalley, Michael	Whittemore, James		

**ROCKINGHAM**

Battles, Marjorie	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Boucher, William	Camm, Kevin	Clark, Vivian	Cote, Patricia
Dodge, Robert	Dowd, Sandra	Dube, LeRoy	Dunham, Vivian
Felch, Charles, Sr.	Fesh, Robert	Flanagan, Natalie	Flanders, John, Sr.
Gage, Beverly	Gargiulo, Louis	Gleason, John	Goddard, Warren
Henderson, Warren	Hurst, Sharleene	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Lee, Rebecca	Lovejoy, Marian
Malcolm, Ken	McKinney, Betsy	Moore, Benjamin	Morris, Debbie
Noyes, Richard	Putnam, Ed, II	Richards, David	Ross, James
Scanlon, Edward	Smith, Arthur	Sytek, John	Welch, David
Weyler, Kenneth			

**STRAFFORD**

Chagnon, Ronald	McKinley, Robert	Reynolds, Charles	Wasson, Richard
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**SULLIVAN**

Adler, Rudolf	Behrens, Thomas	Stettenheim, Sandy
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and the report was adopted. Ordered to third reading.

Rep. Lozeau wished to be recorded in favor.

**RECESS**

**(Rep. Cole in the Chair)**

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 183.

Rep. Buckley for the Committee

**REGULAR CALENDAR (Cont'd.)**

**HB 266**, relative to political contributions by individuals and political committees. **INEXPEDIENT TO LEGISLATE**

Rep. Carol H. Holden for Constitutional and Statutory Revision: Current law provides that political contributions in excess of \$5,000 are prohibited. This bill would have reduced the amount to \$1,000. The majority of the Committee did not favor lowering the dollar amount. Vote 10-6.

Reps. Buckley and Rogers spoke against and yielded to questions.

Rep. Arndt and Holden spoke in favor.

Rep. McGovern requested a roll call; sufficiently seconded. The question being the adoption of the report.

**YEAS 244 - NAYS 108****YEAS 244****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Dewhirst, Glenn	Golden, Paul
Holbrook, Robert	Hurt, George	Johnson, James	Laffam, Robert
Lawton, David	Lawton, Robert	Rice, Thomas, Jr.	Rosen, Ralph
Thomas, John	Turner, Robert	Wendelboe, Francine	Ziegra, Alice

**CARROLL**

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cooper, Kipp	Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey
Kenney, Joseph	Lyman, L. Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald			

**CHESHIRE**

Avery, Stephen  
Laurent, John  
Smith, Edwin

Delano, Robert  
Manning, Joseph  
Steere, Myron, III

Feuer, Joseph  
Metzger, Katherine

Hunt, John  
Royce, H. Charles

**COOS**

Davis, Perley  
Pratt, Leighton

Guay, Lawrence  
St. Hilaire, Paul

Horton, Lynn

Merrill, Gerald

**GRAFTON**

Bean, Pamela  
Connolly, Steven  
LaMott, Paul  
Phinney, William  
Williams, William, Jr.

Brown, Alson  
Eaton, Stephanie  
Larson, Nils, Jr.  
Scanlan, David

Chase, Paul, Jr.  
Ham, Bonnie  
MacNeil, Allen  
Teschner, Douglass

Cobbin, Philip  
Hill, Richard  
Mirski, Paul  
Trelfa, Richard

**HILLSBOROUGH**

Aksten, Cheryl  
Belvin, William  
Burke, M. Virginia  
Clegg, Robert, Jr.  
Desrosiers, William  
Dyer, Merton  
Ferguson, Charles  
Gibson, John  
Hart, Nick  
Holt, David  
Kane, Laura  
L'Heureux, Robert  
Luebker, Bernard  
McMahon, Donald  
Mittelman, David  
Pappas, Marc  
Sallada, Roland  
Streeter, Janice  
Wheeler, Robert

Andrews, Frederick  
Boutin, David  
Calawa, Leon, Jr.  
Cote, Peter  
Dodge, Emma  
Dykstra, Leona  
Fields, Dennis  
Gotham, Rita  
Herman, Keith  
Hunter, Bruce  
Kelley, Robert  
Lefebvre, Roland  
MacGillivray, Jeffrey  
McRae, Karen  
Moncrief, Keith  
Perkins, Paul  
Sargent, Maxwell  
Sullens, Joan  
White, Donald

Arnold, Thomas, Jr.  
Bridgewater, Charles  
Cepaitis, Elizabeth  
Daniels, Gary  
Dokmo, Cynthia  
Emerton, Lawrence, Sr.  
Francoeur, Gary  
Goulet, Maurice  
Holden, Carol  
Jean, Loren  
Krochmal, Mark  
Legacy, Earl  
MacIntyre, Doris  
Mercer, Robert  
O'Hearn, Jane  
Peters, Stanley  
Searles, Stanley, Sr.  
Taylor, Paul  
Worthen, Dorothy

Barry, Janet  
Brundige, Robert  
Chabot, Robert  
Desmarais, Vivian  
Durham, Susan  
Fenton, James  
Gagnon, Eugene  
Hansen, Herbert  
Holley, Sylvia  
Johnson, Lionel  
Kurk, Neal  
Letendre, Evelyn  
Marcinkowski, Michael  
Milligan, Robert  
Packard, Bonnie  
Riley, Frances  
Soucy, Richard  
Thulander, O. Alan  
Wright, George

**MERRIMACK**

Adams, Stephen  
Chandler, Earle  
Hess, David  
Lockwood, Robert  
Patenaude, Amy  
Whalley, Michael

Barberia, Richard  
Chandler, John  
Holmes, Mary  
MacKay, James  
Pitman, Mary Ellen  
Whittemore, James

Brown, Mary  
Crowell, Peter  
Kennedy, Richard  
Morrill, Olive  
Shaw, Randall  
Willis, Jack

Buessing, Marjorie  
Feuerstein, Martin  
Langer, Ray  
Nichols, Avis  
Warner, Richard

**ROCKINGHAM**

Aranda, M. Kathryn  
Beaulieu, Jon  
Camm, Kevin  
Cote, Patricia  
Dowd, Sandra  
Fesh, Robert  
Gage, Beverly  
Hawkins, Robert  
Katsakiores, George  
Langley, Jane  
Magoon, Harold

Arndt, Janet  
Belanger, Ronald  
Case, Margaret  
Crossman, Harold, Jr.  
Dube, LeRoy  
Flanagan, Natalie  
Gargiulo, Louis  
Henderson, Warren  
Katsakiores, Phyllis  
Lee, Rebecca  
Malcolm, Ken

Attar, Kevin  
Bishop, Franklin  
Christie, Andrew, Jr.  
Dodge, Robert  
Dunham, Vivian  
Flanders, David  
Goddard, Warren  
Hurst, Sharleene  
Klemm, Arthur, Jr.  
Lovejoy, Marian  
Moore, Benjamin

Battles, Marjorie  
Boucher, William  
Conroy, Janet  
Dolan, Richard  
Felch, Charles, Sr.  
Flanders, John, Sr.  
Gorman, Donald  
Hutchinson, Karen  
Kobel, Rudolph  
Lupien, James  
Morris, Debbie

Nowe, Ronald  
Raynowska, Bernard  
Scanlon, Edward  
Stritch, C. Donald  
Weare, Everett

Noyes, Richard  
Richards, David  
Senter, Marilyn  
Sytek, Donna  
Welch, David

Packard, Sherman  
Ross, James  
Simmons, John Anthony  
Sytek, John  
Weyler, Kenneth

Putnam, Ed, II  
Rubin, George  
Stone, Joseph  
Tufts, J. Arthur  
Yennaco, Carol

### STRAFFORD

Douglass, Clyde  
Musler, George  
Torr, Ann  
Wasson, Richard

Dunlap, Patricia  
Reynolds, Charles  
Torr, Franklin

Hanlon, Mark  
Spear, Barbara  
Torr, Ralph

McKinley, Robert  
Steadman, Frederick  
Wall, Janet

### SULLIVAN

Adler, Rudolf  
Schothanus, Merle

Flint, Gordon  
Scott, Robert

Krueger, Richard

Lindblade, Eric

### NAYS 108

### BELKNAP

Smith, Linda

### CARROLL

None

### CHESHIRE

Burnham, Daniel  
Lynch, Margaret  
Riley, William

Champagne, Richard  
McGuirk, Paul  
Robertson, Timothy

DePecol, Benjamin  
Pratt, Irene  
Russell, Ronald

Kingsbury, H. Thayer  
Richardson, Barbara  
Wollner, Robert

### COOS

Coulombe, Henry

Coulombe, Yvonne

Hawkinson, Marie

Mears, Edgar

### GRAFTON

Below, Clifton  
Lovett, Sidney

Copenhaver, Marion  
Nordgren, Sharon

Crory, Elizabeth  
Tucker, John

Guest, Robert

### HILLSBOROUGH

Ahern, Richard  
Buckley, Raymond  
Drabinowicz, A. Theresa  
Hall, Betty  
McCarty, Winston  
Pepino, Leo  
Soucy, Donna

Allen, W. Gordon  
Champagne, Norma  
Dwyer, Paul, Sr.  
Jean, Claudette  
Melcher, Harold  
Philbrook, Paula  
Toomey, Kathryn

Asselin, Robert  
Clemons, Jane  
Foster, Linda  
LaRose, Richard  
Messier, Irene  
Reidy, Frank  
Turgeon, Roland

Bergeron, Normand  
Cote, David  
Haettenschwiller, Alphonse  
Martin, Mary  
O'Rourke, Joanne  
Showerman, Peter  
White, John

### MERRIMACK

Coughlin, Anne  
Dunn, Miriam  
Moore, Carol  
Wallner, Mary Jane

Crosby, Toni  
Fraser, Marilyn  
Newland, Matthew  
Yeaton, Charles

Daneault, Gabriel  
Jacobson, Alf  
Owen, Derek

DeStefano, Stephen  
Lamach, Bernard  
Rogers, Katherine

### ROCKINGHAM

Abbott, Dennis  
Gleason, John  
McCarthy, John, Jr.  
Sabella, Norma

Clark, Martha  
Kane, Cecelia  
McGovern, Cynthia  
Splaine, James

Clark, Vivian  
Kelley, Jane  
McKinney, Betsy  
Syracusa, Anthony

Coes, Betsy  
Kruse, Fred  
Pantelakos, Laura  
Vaughn, Charles

### STRAFFORD

Berube, Roger  
DeChane, Marlene

Brown, George  
Grassie, Anne

Callaghan, Frank  
Hambrick, Patricia

Chagnon, Ronald  
Hemon, Roland



Hilliard, Dana  
Merrill, Amanda  
Sullivan, Henry  
Williams, Howard

Knowles, William  
Merritt, Deborah  
Tessimond, Shane

Loder, Suzanne  
Pelletier, Arthur  
Vincent, Francis

Lundborn, Raymond  
Snyder, Clair  
Wheeler, Katherine

### SULLIVAN

Allison, David  
Whipple, Allen

Cloutier, John

Palmer, Lorraine

Stettenheim, Sandy

and the report was adopted.

Rep. Lozeau wished to be recorded against.

**HB 279**, relative to the jurisdiction of the ballot law commission. RE-REFER TO COMMITTEE

Rep. Robert A. Scott for Constitutional and Statutory Revision: The Committee supported the intent of the bill, yet there appears to be a wide range of ramifications that require future study and reflection. Vote 12-6.

Adopted.

**HB 358**, relative to surplus campaign contributions and reporting by political committees. OUGHT TO PASS WITH AMENDMENT

Rep. Paula L. Philbrook for Constitutional and Statutory Revision: This bill clarifies some inconsistencies in the campaign contribution reporting requirements. In addition, it makes the reporting procedure more flexible for those who are required to report without affecting the ability of the public to receive information. Vote 13-3.

### Amendment (1598L)

Amend the bill by replacing section 2 with the following:

2 Reporting by Political Committee. Amend RSA 664:6, 1 to read as follows:

1. Any political committee whose receipts or expenditures in support of a candidate, measure or political party exceed \$500 except, for the purposes of this paragraph only, the political committee of a political party or the political committee of a candidate, shall file with the secretary of state an itemized statement, signed by its chairman and treasurer showing each of its receipts exceeding \$25 with the full name and *home* post office address of the contributor in alphabetical order and the amount of the contribution, the date it was received, [the election for which it is to be allocated,] and the aggregate [year-to-date] total for [such contributor] *each election for each contributor of over \$100*. The statement shall be filed not later than the [Tuesday] *Wednesday* 12 weeks immediately preceding a primary election, before 5 o'clock in the afternoon, and shall cover the period from the day of the committee registration up to and including the [Friday] *Monday* before the statement is due. All receipts of \$25 or under shall appear on the statements as unitemized receipts. Any listing which exceeds an individual's aggregate total of \$100 [during the calendar year] *for each election* shall be accompanied by the contributor's occupation [and] *including official job title, the name of the contributor's employer, and the city or town of the contributor's* principal place of business, if any. The statement shall also show each committee expenditure with the full name and address of persons, corporations, committees or to whomever paid or to be paid [and], the date paid, *and the election for which the expenditure was made*, with the specific nature and amount of each expenditure since the date of the registration.

Adopted.

Report adopted and ordered to third reading.

**HB 523-FN-L**, requiring all eligible persons resident of the state of voting age and otherwise empowered to vote to report to their polling place on election day or pay a fine. INEXPEDIENT TO LEGISLATE

Rep. Philip T. Cobbin for Constitutional and Statutory Revision: The sponsor's objective to increase voter turnout is admirable; the method advocated by the bill is not. Vote 12-1.

Adopted.

**HB 622**, relative to distributing political campaign literature at polling places on election. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Carol H. Holden for the Majority of Constitutional and Statutory Revision: The majority of the Committee felt the current law that prohibits a candidate from distributing campaign material or performing any electioneering activities within a 10-foot-wide corridor is working well. If there are problems in individual communities, the moderator has the power to see that the 10-foot corridor is enforced. Vote 13-2.

Rep. James R. Splaine for the Minority of Constitutional and Statutory Revision: Many voters have expressed concern about having to walk through the 10-foot corridor currently provided by law, past screaming candidates waving signs and distributing brochures. This bill gives the voters some breathing room.

Majority report adopted.

**HB 632**, relative to repealing laws providing for straight-ticket voting, repealing laws that give preferential ballot position to the incumbent majority party, and prohibiting a candidate from being the nominee of more than one party. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Carol H. Holden for the Majority of Constitutional and Statutory Revision: The majority of the Committee favors keeping straight-ticket voting. Since 1892, when the first ballots were printed by the State of New Hampshire, straight-ticket voting has been in effect. Let the people have the choice of voting for the straight ticket or voting for individual candidates. Vote 10-5.

Reps. James R. Splaine, Charles W. Chandler, Betsy A. Coes, Paula L. Philbrook, Jane S. Langley for the Minority of Constitutional and Statutory Revision: The minority believes eliminating the straight-ticket circle on the ballot will be fairer to all candidates and voters, as well as ensure greater accuracy in counting of ballots. The Ballot Law Commission has indicated support of eliminating the straight ticket.

Rep. Amanda Merrill requested that the bill be divided. The Chair ruled that the it was divisible.

The question now being on Section 9, paragraphs I and III of the bill.

Rep. Amanda Merrill spoke against.

Reps. Stritch and Holden spoke in favor.

Rep. John Flanders requested a roll call; sufficiently seconded. The question being shall Section 9, paragraphs I and III of the bill be Inexpedient to Legislate.

## YEAS 245 - NAYS 115

### YEAS 245

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Cain, Thomas	Dewhirst, Glenn
Golden, Paul	Holbrook, Robert	Hurt, George	Johnson, James
Laflam, Robert	Lawton, David	Lawton, Robert	Rice, Thomas, Jr.
Rosen, Ralph	Smith, Linda	Thomas, John	Turner, Robert
Wendelboe, Francine	Ziegra, Alice		

#### CARROLL

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cooper, Kipp	Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey
Kenney, Joseph	Lyman, L. Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald			

#### CHESHIRE

Avery, Stephen	Delano, Robert	Feuer, Joseph	Metzger, Katherine
Royce, H. Charles	Smith, Edwin	Steere, Myron, III	

#### COOS

Burns, Harold	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
St. Hilaire, Paul			

**GRAFTON**

Bean, Pamela	Brown, Alson	Brown, Channing	Chase, Paul, Jr.
Cobbin, Philip	Connolly, Steven	Eaton, Stephanie	Ham, Bonnie
Hill, Richard	Larson, Nils, Jr.	MacNeil, Allen	Mirski, Paul
Phinney, William	Scanlan, David	Teschner, Douglass	Trelfa, Richard
Tucker, John	Williams, William, Jr.		

**HILLSBOROUGH**

Aksten, Cheryl	Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr.
Barry, Janet	Belvin, William	Boutin, David	Bridgewater, Charles
Brundige, Robert	Burke, M. Virginia	Calawa, Leon, Jr.	Cepaitis, Elizabeth
Chabot, Robert	Clegg, Robert, Jr.	Daniels, Gary	Desmarais, Vivian
Desrosiers, William	Dodge, Emma	Dokmo, Cynthia	Durham, Susan
Dyer, Merton	Dykstra, Leona	Emerton, Lawrence, Sr.	Fenton, James
Ferguson, Charles	Fields, Dennis	Gagnon, Eugene	Gibson, John
Gotham, Rita	Goulet, Maurice	Hart, Nick	Herman, Keith
Holden, Carol	Holley, Sylvia	Holt, David	Hunter, Bruce
Jean, Loren	Kelley, Robert	Krochmal, Mark	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lefebvre, Roland	Legacy, Earl
Letendre, Evelyn	MacGillivray, Jeffrey	MacIntyre, Doris	Marcinkowski, Michael
McCarty, Winston	McMahon, Donald	McRae, Karen	Mercer, Robert
Milligan, Robert	Mittelman, David	O'Hearn, Jane	Packard, Bonnie
Pappas, Marc	Pepino, Leo	Perkins, Paul	Peters, Stanley
Riley, Frances	Sallada, Roland	Sargent, Maxwell	Searles, Stanley, Sr.
Showerman, Peter	Streeter, Janice	Sullens, Joan	Thulander, O. Alan
Wells, Peter, Sr.	Wheeler, Robert	White, Donald	Worthen, Dorothy
Wright, George			

**MERRIMACK**

Adams, Stephen	Barberia, Richard	Brown, Mary	Buessing, Marjorie
Chandler, Earle	Chandler, John	Crowell, Peter	Hess, David
Holmes, Mary	Kennedy, Richard	Langer, Ray	Lockwood, Robert
MacKay, James	Morrill, Olive	Nichols, Avis	Patenaude, Amy
Pitman, Mary Ellen	Shaw, Randall	Warner, Richard	Whalley, Michael
Whittemore, James	Willis, Jack		

**ROCKINGHAM**

Aranda, M. Kathryn	Arndt, Janet	Attar, Kevin	Battles, Marjorie
Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin	Boucher, William
Camm, Kevin	Carson, Gregory	Case, Margaret	Clark, Vivian
Conroy, Janet	Cote, Patricia	Crossman, Harold, Jr.	Dodge, Robert
Dolan, Richard	Dowd, Sandra	Dube, LeRoy	Dunham, Vivian
Felch, Charles, Sr.	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John, Sr.	Gage, Beverly	Gargiulo, Louis	Gleason, John
Goddard, Warren	Hawkins, Robert	Henderson, Warren	Hurst, Sharleene
Hutchinson, Karen	Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.
Kobel, Rudolph	Kruse, Fred	Lovejoy, Marian	Magoon, Harold
Malcolm, Ken	McCarthy, John, Jr.	McKinney, Betsy	Moore, Benjamin
Morris, Debbie	Nowe, Ronald	Noyes, Richard	Packard, Sherman
Putnam, Ed, II	Raynowska, Bernard	Richards, David	Ross, James
Rubin, George	Sabella, Norma	Scanlon, Edward	Senter, Merilyn
Simmons, John Anthony	Stone, Joseph	Stritch, C. Donald	Sytek, Donna
Sytek, John	Tufts, J. Arthur	Weare, Everett	Welch, David
Weyler, Kenneth	Yennaco, Carol		

**STRAFFORD**

Berube, Roger  
Musler, George  
Torr, Ann

Douglass, Clyde  
Reynolds, Charles  
Torr, Franklin

Hanlon, Mark  
Spear, Barbara  
Torr, Ralph

McKinley, Robert  
Steadman, Frederick  
Wasson, Richard

**SULLIVAN**

Adler, Rudolf  
Lindblade, Eric

Behrens, Thomas  
Schotanus, Merle

Flint, Gordon  
Scott, Robert

Krueger, Richard

**NAYS 115****BELKNAP**

None

**CARROLL**

None

**CHESHIRE**

Burnham, Daniel  
Kingsbury, H. Thayer  
McGuirk, Paul  
Robertson, Timothy

Champagne, Richard  
Laurent, John  
Pratt, Irene  
Russell, Ronald

DePecol, Benjamin  
Lynch, Margaret  
Richardson, Barbara  
Wollner, Robert

Hunt, John  
Manning, Joseph  
Riley, William

**COOS**

Hawkinson, Marie

Mears, Edgar

**GRAFTON**

Below, Clifton  
LaMott, Paul

Copenhaver, Marion  
Lovett, Sidney

Crory, Elizabeth  
Nordgren, Sharon

Guest, Robert

**HILLSBOROUGH**

Ahern, Richard  
Buckley, Raymond  
Drabinowicz, A. Theresa  
Haettenschwiller, Alphonse  
Johnson, Lionel  
Martin, Mary  
O'Rourke, Joanne  
Soucy, Richard  
White, John

Allen, W. Gordon  
Clemons, Jane  
Dwyer, Paul, Sr.  
Hall, Betty  
Kane, Laura  
Melcher, Harold  
Philbrook, Paula  
Taylor, Paul

Asselin, Robert  
Cote, David  
Foster, Linda  
Hansen, Herbert  
Laughlin, J. Francis  
Messier, Irene  
Reidy, Frank  
Toomey, Kathryn

Bergeron, Normand  
Cote, Peter  
Francoeur, Gary  
Jean, Claudette  
Luebker, Bernard  
Moncrief, Keith  
Soucy, Donna  
Turgeon, Roland

**MERRIMACK**

Coughlin, Anne  
Dunn, Miriam  
Lamach, Bernard  
Rogers, Katherine

Crosby, Toni  
Feuerstein, Martin  
Moore, Carol  
Wallner, Mary Jane

Daneault, Gabriel  
Fraser, Marilyn  
Newland, Matthew  
Yeaton, Charles

DeStefano, Stephen  
Jacobson, Alf  
Owen, Derek

**ROCKINGHAM**

Abbott, Dennis  
Gorman, Donald  
Langley, Jane  
Pantelakos, Laura

Christie, Andrew, Jr.  
Johnson, Robert  
Lee, Rebecca  
Splaine, James

Clark, Martha  
Kane, Cecelia  
Lupien, James  
Syracusa, Anthony

Coes, Betsy  
Kelley, Jane  
McGovern, Cynthia  
Vaughn, Charles

**STRAFFORD**

Brown, George  
Dunlap, Patricia  
Hilliard, Dana  
Merrill, Amanda  
Sullivan, Henry  
Wheeler, Katherine

Callaghan, Frank  
Grassie, Anne  
Knowles, William  
Merritt, Deborah  
Tessimond, Shane  
Williams, Howard

Chagnon, Ronald  
Hambrick, Patricia  
Loder, Suzanne  
Pelletier, Arthur  
Vincent, Francis

DeChane, Marlene  
Hemon, Roland  
Lundborn, Raymond  
Snyder, Clair  
Wall, Janet

## SULLIVAN

Allison, David  
Whipple, Allen

Cloutier, John

Palmer, Lorraine

Stettenheim, Sandy

and Section 9, paragraphs I and III of the bill were Inexpedient to Legislate.

Rep. Lozeau wished to be recorded against.

Rep. Holden yielded to questions.

The question now being the adoption of the majority report on the remainder of the bill.

On a division vote, 225 members having voted in the affirmative and 103 in the negative, the report on the remainder of the bill was adopted.

## (Speaker Burns in the Chair)

## SPECIAL ORDER

Rep. Donna Sytek moved that **HB 125**, making technical corrections and clarifications in the wiretapping and eavesdropping statutes, be made a Special Order for 10:00 a.m. on Thursday, March 16, 1995.

Adopted.

## REGULAR CALENDAR (Cont'd.)

**HB 140**, relative to safe school zones. OUGHT TO PASS WITH AMENDMENT

Rep. Donna P. Sytek for Corrections and Criminal Justice: This bill modifies the safe schools act passed last year by clarifying who is responsible for reporting acts of theft, destruction and violence to the police and specifying the time frame for such report. Simple assault involving bodily injury is added to the list of reportable offenses. The amendment includes language on mandating expulsion to bring us into compliance with the federal Gun-Free Schools Act. Vote 16-1.

## Amendment (1706L)

Amend the bill by replacing all after the enacting clause with the following:

1 Suspension and Expulsion of Pupils. RSA 193:13 is repealed and reenacted to read as follows:

193:13 Suspension and Expulsion of Pupils.

I. The superintendent, or a representative designated in writing, is authorized to suspend pupils from school for gross misconduct or for neglect or refusal to conform to the reasonable rules of the school, providing that where there is a suspension lasting beyond 5 school days, the parent or guardian has the right to appeal any such suspension to the local board. Any suspension to continue beyond 20 school days must be approved by the local board.

II. Any pupil may be expelled from school by the local school board for gross misconduct, or for neglect or refusal to conform to the reasonable rules of the school, or for an act of theft, destruction, or violence as defined in RSA 193-D:1, or for possession of a pellet or **BB** gun or rifle and the pupil shall not attend school until restored by the local board. Any expulsion shall be subject to review if requested prior to the start of each school year and further, any parent or guardian has the right to appeal any such expulsion by the local board to the state board of education.

III. Any pupil who knowingly brings or possesses a firearm as defined in section 921 of Title 18 of the US code in a safe school zone as defined in RSA 193-D:1 without written authorization from the superintendent or designee shall be expelled from school by the local school board for a period of not less than 12 months. Any expulsion shall be subject to review by the local school board if requested by a parent or guardian prior to the start of each school year, and further, any parent or guardian shall have the right to appeal any such expulsion by the local school board to the state board of education.

IV. The local school board shall adopt a policy which allows the superintendent to modify the expulsion requirements set forth in paragraphs II and III on a case by case basis.

V. Any pupil expelled by a local school board under the provisions of the Gun-Free Schools Act of 1994 shall not be eligible to enroll in another school district in New Hampshire for the period of such expulsion. Any such expulsion shall be valid in all schools in New Hampshire.

VI. A pupil expelled from school in another state under the provisions of the Gun-Free Schools Act of 1994 shall not be eligible to enroll in a school district in New Hampshire for the period of such expulsion.

2 Simple Assault Added. Amend RSA 193-D:1, I (b) to read as follows:

(b)(1) Any first or second degree assault under RSA 631.

(2) *Any simple assault under RSA 631:2-a.*

3 School Employee Who "Becomes Aware of Act" Required to Report. Amend RSA 193-D:4, I to read as follows:

I.(a) Any public or private school employee [shall report] *who has witnessed or has received information from a person having first hand knowledge of* an act of theft, destruction, or violence [witnessed by such employee] in a safe school zone *shall report such act* [in writing] *immediately* to [an immediate] a supervisor. A supervisor receiving such report shall immediately forward [it] *such information* to the school principal who shall file it with the local law enforcement authority. Such report shall be made by the [employee and filed with] *principal* to the local law enforcement authority *immediately, by telephone or otherwise, and shall be followed* within 48 hours *by a report in writing.*

(b) *The provisions of subparagraph (a) shall not apply to any simple assault involving pupils in kindergarten through grade 6 if the local school board has adopted a discipline policy which sets forth circumstances under which parents shall be notified of simple assaults.*

(c) *The provisions of subparagraph (a) shall not apply to a simple assault involving pupils in grade 7 through grade 12, unless there is bodily injury.*

(d) *Each school district, in conjunction with the local law enforcement authority, shall establish a memorandum of understanding for administering the provisions of RSA 193-D:4, I(a)-(c).*

4 Effective Date. This act shall take effect August 15, 1995.

#### AMENDED ANALYSIS

This bill provides for expulsion of a pupil for bringing or possessing a firearm, as defined under federal law, without written authorization from the superintendent. The expulsion period shall be not less than 12 months unless modified by the superintendent, and such expulsion by the local school board may be appealed to the state board of education upon request of the parent or guardian.

This bill also adds simple assault to those acts which constitute an act of theft, destruction, or violence. It also requires any school employee who "has witnessed or has received information from a person having first hand knowledge" of an act of theft, destruction, or violence to report such act to their immediate supervisor who shall forward it to the school principal. The principal shall report it to the local law enforcement authority immediately, by telephone or otherwise, followed within 48 hours by a report in writing, unless certain exceptions apply.

Adopted.

Report adopted and ordered to third reading.

**HB 187**, permitting one-party consent recording of communications under certain circumstances by presumed victims of criminal offenses, abuse or sexual harassment. MAJORITY: REFER TO COMMITTEE. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Donna P. Sytek for the Majority of Corrections and Criminal Justice: The committee would like to keep this bill to explore additional ways to balance a person's right to be notified when he is being recorded with the legitimate needs of victims to obtain evidence of threats or other information essential to assure their safety. Vote 15-5.

Reps. Donald W. Gorman, Richard E. Dolan, Patricia A. Hambrick, Ronald G. Russell, Richard F. Doucette for the Minority of Corrections and Criminal Justice: The Minority feels that there is no demonstrated need to by-pass a court order when wire-tapping or surreptitiously recording the conversations of private citizens. Furthermore, since the average citizen would not know the difference between a misdemeanor and a felony, this opens the door for widespread misuse and vindictiveness.

#### INDEFINITE POSTPONEMENT

Rep. Gorman moved that **HB 187**, permitting one-party consent recording of communications under certain circumstances by presumed victims of criminal offenses, abuse or sexual harassment, be indefinitely postponed, spoke in favor and yielded to questions.

Rep. Donald White spoke in favor and yielded to questions.

Rep. Donna Sytek spoke against and yielded to questions.

Rep. Donna Sytek requested a roll call; sufficiently seconded. The question being the motion to indefinitely postpone.

## YEAS 184 - NAYS 174

### YEAS 184

#### BELKNAP

Boriso, Thomas	Cain, Thomas	Dewhirst, Glenn	Hurt, George
Lawton, David	Lawton, Robert	Rosen, Ralph	Smith, Linda
Thomas, John			

#### CARROLL

Babson, David, Jr.	Cooper, Kipp	Dickinson, Howard, Jr.	Howard, Godfrey
Kenney, Joseph			

#### CHESHIRE

Burnham, Daniel	DePecol, Benjamin	Delano, Robert	Hunt, John
Kingsbury, H. Thayer	Lynch, Margaret	McGuirk, Paul	Pratt, Irene
Richardson, Barbara	Riley, William	Russell, Ronald	Steere, Myron, III
Wollner, Robert			

#### COOS

Coulombe, Henry	Davis, Perley	Hawkinson, Marie	Mears, Edgar
Pratt, Leighton	St. Hilaire, Paul		

#### GRAFTON

Connolly, Steven	Copenhaver, Marion	Crory, Elizabeth	Guest, Robert
Ham, Bonnie	LaMott, Paul	Lovett, Sidney	Mirski, Paul
Nordgren, Sharon	Phinney, William	Trelfa, Richard	Williams, William, Jr.

#### HILLSBOROUGH

Allen, W. Gordon	Alukonis, David	Barry, Janet	Belvin, William
Bergeron, Normand	Boutin, David	Bridgewater, Charles	Brundige, Robert
Buckley, Raymond	Burke, M. Virginia	Chabot, Robert	Clegg, Robert, Jr.
Clemons, Jane	Cote, David	Cote, Peter	Daniels, Gary
Dodge, Emma	Drabinowicz, A. Theresa	Durham, Susan	Dwyer, Paul, Sr.
Dyer, Merton	Dykstra, Leona	Fenton, James	Fields, Dennis
Gibson, John	Gotham, Rita	Goulet, Maurice	Haettenschwiller, Alphonse
Holt, David	Hunter, Bruce	Jean, Loren	Johnson, Lionel
Kane, Laura	Krochmal, Mark	Kurk, Neal	LaRose, Richard
MacGillivray, Jeffrey	MacIntyre, Doris	Marcinkowski, Michael	McMahon, Donald
McRae, Karen	Milligan, Robert	Moncrief, Keith	O'Rourke, Joanne
Pepino, Leo	Perkins, Paul	Reidy, Frank	Riley, Frances
Sallada, Roland	Sargent, Maxwell	Soucy, Donna	Soucy, Richard
Taylor, Paul	Turgeon, Roland	White, Donald	Wright, George

#### MERRIMACK

Buessing, Marjorie	DeStefano, Stephen	Dunn, Miriam	Hess, David
Jacobson, Alf	Lamach, Bernard	Langer, Ray	Little, Michael
Lockwood, Robert	Moore, Carol	Newland, Matthew	Nichols, Avis
Owen, Derek	Patenaude, Amy	Pitman, Mary Ellen	Rogers, Katherine
Wallner, Mary Jane	Warner, Richard	Yeaton, Charles	

#### ROCKINGHAM

Abbott, Dennis	Aranda, M. Kathryn	Belanger, Ronald	Bishop, Franklin
Camm, Kevin	Clark, Martha	Coes, Betsy	Dodge, Robert

Dolan, Richard  
Gargiulo, Louis  
Johnson, Robert  
Lupien, James  
Pantelakos, Laura  
Scanlon, Edward  
Syracusa, Anthony

Dowd, Sandra  
Gorman, Donald  
Kane, Cecelia  
McGovern, Cynthia  
Ross, James  
Senter, Merilyn  
Weare, Everett

Dowling, Patricia  
Hawkins, Robert  
Kelley, Jane  
Moore, Benjamin  
Rubin, George  
Splaine, James

Fesh, Robert  
Hutchinson, Karen  
Lee, Rebecca  
Morris, Debbie  
Sabella, Norma  
Stone, Joseph

### STRAFFORD

Berube, Roger  
Hambrick, Patricia  
Loder, Suzanne  
Musler, George  
Steadman, Frederick  
Wall, Janet

Brown, George  
Hanlon, Mark  
Lundborn, Raymond  
Reynolds, Charles  
Tessimond, Shane  
Wheeler, Katherine

Chagnon, Ronald  
Hemon, Roland  
Merrill, Amanda  
Snyder, Clair  
Torr, Ralph  
Williams, Howard

DeChane, Marlene  
Hilliard, Dana  
Merritt, Deborah  
Spear, Barbara  
Vincent, Francis

### SULLIVAN

Allison, David  
Schotanus, Merle

Krueger, Richard  
Stettenheim, Sandy

Lindblade, Eric  
Whipple, Allen

Palmer, Lorraine

### NAYS 174

### BELKNAP

Bartlett, Gordon  
Laflam, Robert  
Ziegra, Alice

Golden, Paul  
Rice, Thomas, Jr.

Holbrook, Robert  
Turner, Robert

Johnson, James  
Wendelboe, Francine

### CARROLL

Beach, Mildred  
Lyman, L. Randy

Bradley, Jeb  
Mock, Henry

Chandler, Gene  
Patten, Betsey

Foster, Robert  
Philbrick, Donald

### CHESHIRE

Avery, Stephen  
Laurent, John  
Royce, H. Charles

Champagne, Richard  
Manning, Joseph  
Smith, Edwin

Cole, Stacey  
Metzger, Katherine

Feuer, Joseph  
Robertson, Timothy

### COOS

Coulombe, Yvonne

Guay, Lawrence

Horton, Lynn

Merrill, Gerald

### GRAFTON

Bean, Pamela  
Chase, Paul, Jr.  
Larson, Nils, Jr.  
Tucker, John

Below, Clifton  
Cobbin, Philip  
MacNeil, Allen

Brown, Alson  
Eaton, Stephanie  
Scanlan, David

Brown, Channing  
Hill, Richard  
Teschner, Douglass

### HILLSBOROUGH

Ahern, Richard  
Asselin, Robert  
Desrosiers, William  
Francoeur, Gary  
Hart, Nick  
Jean, Claudette  
Lefebvre, Roland  
Martin, Mary  
Messier, Irene  
Pappas, Marc  
Showerman, Peter  
Toomey, Kathryn

Aksten, Cheryl  
Calawa, Leon, Jr.  
Dokmo, Cynthia  
Gagnon, Eugene  
Herman, Keith  
Kelley, Robert  
Legacy, Earl  
McCarty, Winston  
Mittelman, David  
Peters, Stanley  
Streeter, Janice  
Wheeler, Robert

Andrews, Frederick  
Cepaitis, Elizabeth  
Emerton, Lawrence, Sr.  
Hall, Betty  
Holden, Carol  
L'Heureux, Robert  
Letendre, Evelyn  
Melcher, Harold  
O'Hearn, Jane  
Philbrook, Paula  
Sullens, Joan  
White, John

Arnold, Thomas, Jr.  
Desmarais, Vivian  
Foster, Linda  
Hansen, Herbert  
Holley, Sylvia  
Laughlin, J. Francis  
Luebker, Bernard  
Mercer, Robert  
Packard, Bonnie  
Searles, Stanley, Sr.  
Thulander, O. Alan  
Worthen, Dorothy



**MERRIMACK**

Adams, Stephen	Barberia, Richard	Brown, Mary	Chandler, Charles
Chandler, Earle	Chandler, John	Coughlin, Anne	Crosby, Toni
Crowell, Peter	Daneault, Gabriel	Feuerstein, Martin	Fraser, Marilyn
Holmes, Mary	Kennedy, Richard	MacKay, James	Morrill, Olive
Shaw, Randall	Whalley, Michael	Willis, Jack	

**ROCKINGHAM**

Arndt, Janet	Attar, Kevin	Beaulieu, Jon	Boucher, William
Carson, Gregory	Case, Margaret	Christie, Andrew, Jr.	Clark, Vivian
Conroy, Janet	Cote, Patricia	Crossman, Harold, Jr.	Dube, LeRoy
Dunham, Vivian	Felch, Charles, Sr.	Flanagan, Natalie	Flanders, David
Flanders, John, Sr.	Gleason, John	Goddard, Warren	Henderson, Warren
Hurst, Sharleene	Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.
Kobel, Rudolph	Kruse, Fred	Langley, Jane	Lovejoy, Marian
Magoon, Harold	Malcolm, Ken	McCarthy, John, Jr.	McKinney, Betsy
Nowe, Ronald	Noyes, Richard	Packard, Sherman	Putnam, Ed, II
Raynowska, Bernard	Richards, David	Simmons, John Anthony	Stritch, C. Donald
Sytek, Donna	Sytek, John	Tufts, J. Arthur	Vaughn, Charles
Welch, David	Weyler, Kenneth	Yennaco, Carol	

**STRAFFORD**

Callaghan, Frank	Douglass, Clyde	Dunlap, Patricia	Grassie, Anne
Knowles, William	McKinley, Robert	Pelletier, Arthur	Sullivan, Henry
Torr, Ann	Torr, Franklin	Wasson, Richard	

**SULLIVAN**

Adler, Rudolf	Behrens, Thomas	Cloutier, John	Flint, Gordon
Scott, Robert			

and the bill was indefinitely postponed.

Rep. Lozeau wished to be recorded against.

**HB 418**, permitting a law enforcement officer to video and audio record certain communications after providing notification. **OUGHT TO PASS WITH AMENDMENT**

Rep. L. Randy Lyman for Corrections and Criminal Justice: This bill permits a law enforcement officer to make an audio recording with a video recording when making a routine stop. We feel this bill will enhance protection of the public and the defendant by allowing an accurate record of an arrest to be made. The amendment clarifies the phrasing and changes the effective date. Vote 17-3.

**Amendment (1679L)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Video and Audio Recording; Notification Required. Amend RSA 570-A:2, II by inserting after subparagraph (i) the following new subparagraph:

(j) A uniformed law enforcement officer to make an audio recording in conjunction with a video recording of a routine stop performed in the ordinary course of patrol duties on any way as defined by RSA 259:125, provided that the officer shall first give notification of such recording to the party to the communication.

2 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill authorizes a uniformed law enforcement officer to make an audio recording in conjunction with a video recording of a routine stop performed in the ordinary course of patrol duties on any way provided that the officer first gives notification of such recording to the party to the communication.

Adopted.

Report adopted and ordered to third reading.

**HB 652-FN-L**, allowing criminal action after a juvenile offender's nineteenth birthday in certain circumstances, and making technical changes to the juvenile delinquency provisions. **ought to pass with amendment**

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: This bill makes a number of technical changes in the delinquency chapter to clarify when a juvenile may be taken into custody and what records the prosecutor may have access to. More importantly, though, the bill permits criminal action against an offender, who has turned 19-years old, for acts committed prior to his 18th birthday. This corrects a flaw in the current law that lets a perpetrator escape the consequences of his action if the victim fails to report the crime until the offender is 19 or when the offender has left the jurisdiction until reaching age 19. The amendment removes references to "arrest" of juvenile and substitutes "taking into custody." Vote 16-2.

#### **Amendment (1659L)**

Amend RSA 169-B:8, III as inserted by section 8 of the bill by replacing it with the following:

**III. Notwithstanding the provisions of paragraphs I and II, a warrant may be issued for the detention of a minor whose offense constitutes a felony against the person or property, or a felony under RSA 318-B.**

Amend the section heading of RSA 169-B:9 and RSA 169-B:9, I as inserted by section 9 of the bill by replacing them with the following:

169-B:9 [Arrest] **Taking Minor Into Custody.**

**I.** Nothing in this chapter shall be construed as forbidding any [police officer or] juvenile services officer from immediately taking into custody any minor who is found violating any law, or who is reasonably believed to be a fugitive from justice, or whose circumstances are such as to endanger [his] **such minor's** person or welfare, unless immediate action is taken.

Amend RSA 169-B:24, II as inserted by section 18 by replacing it with the following:

**II.** The minor [is] **shall be** entitled to the assistance of counsel[, who]. **Both the prosecutor and counsel for the minor** shall have access to [said] **the** court records, probation reports or other agency reports. If the court orders transfer to superior court, it shall provide a written statement of findings and reasons for such transfer to the minor. [Cases] **When persons** so certified [and] **are** accepted by the superior court, **the superior court** may [be disposed of by the superior court] **dispose of all criminal charges arising out of the incident which led to the transfer petition** according to the **relevant** laws of this state [relating thereto] without any limitations as to sentence or orders required by this chapter. All original papers in transferred cases shall remain in the court from which transferred and certified copies of the [same] **papers** shall be filed with and shall constitute the records of the court to which transfer is made. Pending disposition by the superior court, a juvenile [whose case] **who** is [thus] transferred and accepted by the superior court may be placed under the supervision of the juvenile services officer or required to recognize with sufficient sureties, or in default [thereof] **of such sureties**, be detained at a county correctional facility to await disposition of the case in [said] **the** superior court; provided, however, once a minor is certified for trial as an adult and [his] **the** case is transferred to the superior court, detention at the youth development center is prohibited.

#### **AMENDED ANALYSIS**

Sections 6, 8, 9, 18, and 27 of this bill:

**I.** Allow a criminal action to be brought after a juvenile offender's nineteenth birthday in certain circumstances.

**II.** Authorize issuance of a warrant for the detention of a juvenile offender whose offense constitutes a felony against the person or property, or a felony drug offense.

**III.** Authorize the detention of a juvenile offender without a warrant by a police officer in certain circumstances.

**IV.** Provide that records and reports shall be available to defense counsel to the same extent as to the prosecutor, and require the court to conduct a scheduling hearing and order a hearing schedule upon petition for transfer to the superior court.

The remainder of this bill amends certain RSA provisions making them gender neutral and consistent with other sections amended by the bill in accordance with RSA 17-A:6 relative to gender neutral drafting.

Adopted.

Report adopted and ordered to third reading.

**HB 152-FN**, allowing the New Hampshire technical institute and technical colleges to apply for accreditation other than as a technical institute or technical college. **OUGHT TO PASS WITH AMENDMENT**

Rep. William S. Belvin for Education: The bill reorganizes the present vocational-technical colleges into four new regional community-technical colleges and allows for a change in accreditation procedures reflecting their status and educational mission. This new structure will allow the following improvements: (1) approved course credits will be more easily transferrable to other schools; (2) the new community-technical colleges' mission will be modified to include a broader selection of college merit courses; (3) there will also be a savings of approximately \$2.6 million over the biennium. While budgetary constraints have been a catalyst for the reorganization, these reforms are warranted under any circumstances. They will improve the existing colleges' ability to satisfy the future requirements of New Hampshire's post-secondary students. Vote 19-0.

#### **Amendment (1463L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

allowing the New Hampshire technical institute and technical colleges to apply for accreditation other than as a technical institute or technical college, renaming the department, the institute and colleges, and making administrative revisions.

Amend the bill by replacing all after the enacting clause with the following:

1 Changing Name of Department of Postsecondary Technical Education, Technical Institute, and Technical Colleges. Amend the following in RSA 94:1-a, I, group N to read as follows:

Deputy commissioner of [postsecondary technical education]

***regional community-technical colleges***

President of the ***regional community-technical institute***

Presidents of the ***regional community-technical colleges***

2 Changing Name of Department of Postsecondary Technical Education. Amend the following in RSA 94:1-a, I, group P, to read as follows:

Commissioner of [postsecondary technical education]

***regional community-technical colleges***

3 Purpose Expanded; Department and Technical Colleges Names Changed; Planetarium Added. Amend RSA 188-F:1 and 2 to read as follows:

188-F:1 Declaration of Purpose. It is hereby declared to be the policy of the state of New Hampshire to provide for, within its ability to finance facilities, the preparation of youth and adults for productive employment as technicians and skilled workers ***and for continued higher education*** to the mutual benefit of those persons, business and industry, and the general economy of the state.

188-F:2 Department Established. There shall be a department of [postsecondary technical education] ***regional community-technical colleges*** which shall be governed by a board of governors. The department shall be a state agency and shall consist of the office of the commissioner[.]; the New Hampshire [technical institute, the 6 technical colleges, and]; ***regional community-technical institute and colleges including, but not limited to, campuses in Berlin, Claremont, Concord, Laconia, Manchester, Nashua, Stratham, and associated off-campus programs***; the police standards and training council; ***and the Christa McAuliffe Planetarium.***

4 Gender Neutral Language Substitution. Amend RSA 188-F:3 to read as follows:

188-F:3 Board of Governors. The board of governors shall consist of 7 members, 3 from the field of business and industry, 2 from the field of education, one from the field of health service and one from the field of labor, appointed by the governor and council for staggered 4-year terms. Members shall serve without compensation but may be reimbursed for their expenses. No classified or unclassified employee of the state or person who holds elected state office shall serve on the board. The board shall annually elect one of its members to serve as [chairman] ***chairperson***. Vacancies on the board of governors shall be filled for the unexpired term only.

5 Technical College Names Changed. Amend RSA 188-F:4, IV and V to read as follows:

IV. Develop a comprehensive strategic plan for the ***regional community-technical college*** system, including specific goals and objectives for the department as a whole as well as individual institutions.

V. Notwithstanding any other provision of law, with prior approval of the governor and council, lease to private parties portions of lands owned by the **regional community-technical college** at Berlin. Income derived from any such lease is hereby appropriated and shall be deposited in a nonlapsing account at the institution which owns or owned the land, to be used for maintenance of physical facilities or the acquisition of instructional equipment. The board is specifically authorized with prior approval of the governor and council to lease such land to private parties for the purposes of construction and operation of residential facilities for students and faculty. Said sums shall not be transferred to any other state fund.

6 Department Name Changed; Transfer Articulation Agreements. Amend RSA 188-F:6 to read as follows:

188-F:6 Cooperation with Other Agencies. The commissioner shall be responsible for promoting cooperation and communication between the department of [postsecondary technical education and] **regional community-technical colleges**, the board, and the department of education, and between the department of [postsecondary technical education] **regional community - technical colleges** and the university system of New Hampshire. **The department of regional community - technical colleges and the university system of New Hampshire shall develop mutually agreed upon transfer articulation agreements.**

7 Technical Colleges Name Changed; Cross-Reference Relative to Presidents' Salaries. Amend RSA 188-F:8 to read as follows:

188-F:8 Presidents of the **Regional Community-Technical Institute and Colleges**. The commissioner shall nominate, subject to approval by the board of governors, a president of [the technical institute and presidents of the 6 technical colleges] **each regional institution** who shall be confirmed by the governor and council. Presidents shall be qualified by education and experience and shall serve at the pleasure of the board of governors. **The salary of the presidents shall be established by RSA 94:1-a.**

8 Technical Colleges Named Changed; Purpose Expanded; Names of Colleges Determined by Board of Governors. Amend RSA 188-F:11 to read as follows:

188-F:11 Name and Program of the [Technical] **Regional Community-Technical Institute and Colleges**. The program of the technical colleges shall be designed to prepare qualified high school graduates or the equivalent as technicians and skilled workers **and to prepare students to continue their higher education**. The names of the [technical] **regional community-technical institute** and colleges shall be[:] **determined by the board of governors subject to approval of the governor and council.**

I. New Hampshire technical college at Berlin.

II. New Hampshire technical college at Claremont.

III. New Hampshire technical college at Laconia.

IV. New Hampshire technical college at Manchester.

V. New Hampshire technical college at Nashua.

VI. New Hampshire technical college at Stratham.]

9 Accreditation Potential Broadened **Technical Colleges Name Changed**. Amend RSA 188-F:12 to read as follows:

188-F:12 Accreditation. The **community-technical institute and community-technical colleges** are authorized to seek accreditation and maintain membership in the regional accrediting association[,] to satisfy the requirements necessary to achieve and maintain regional accreditation [as a technical institute or as technical colleges only,] and [in order] to meet the requirements necessary for federal aid. Each individual program of study offered shall [be such as to] meet all of the requirements for professional accreditation or licensing, or both, of the particular specialty [as a technical institute or a technical college].

10 Fiscal Committee Approval Removed. Amend RSA 188-F:14-b, V to read as follows:

V. With prior approval of the board of governors [and the fiscal committee], transfer or eliminate instructional programs as student, business, and geographic area needs change, as well as transfer such associated personnel, equipment, and instructional program appropriations between and among the several functional units within the department in order to enable the department to respond rapidly to changing needs for technical education and training.

11 Technical College Name Changed; Administrative Board Deleted; Commissioner Added. Amend RSA 188-F:16 and 17 to read as follows:

## 188-F:16 Tuition Waived.

I. If a person is domiciled in this state while serving in or with the armed forces of the United States and is, after February 28, 1961, reported or listed as missing, or missing in action, or interned in a neutral country, or beleaguered, besieged or captured by the enemy during the Southeast Asian conflict, any child of such person, enrolled after March 23, 1972, in a **regional community**-technical institute or [a technical] college shall, so long as said person is so reported, listed, interned, beleaguered, besieged or captured, not be required to pay tuition for attendance at such school. Any person entitled to free tuition under this section shall apply to the commissioner who may require such proof as [he deems] **deemed** necessary in order for a person to qualify for free tuition under this section.

II. The board of governors shall have the authority to allow full-time employees who have one year of previous service at the New Hampshire **regional community**-technical institute[, the technical] or colleges, or the department of postsecondary technical education, free tuition, and to the dependents of such employees a 50 percent discount of tuition, at the 7 institutions of the department.

188-F:17 Loan Fund Revolving Accounts. The [administrative board] **commissioner** is authorized, within the limits of federal grants and the appropriations made, to establish and administer such loan fund revolving accounts as may be approved by the governor and council to completely comply with all federal regulations and to effectively and efficiently operate the loan programs within the technical institute and technical colleges. The board shall adopt rules, pursuant to RSA 541-A, for the giving of loans to students and other requirements relative to the loans. Each loan fund revolving account authorized and the specific funds associated with it shall be kept in a separate special account by the state treasurer, and any repayment of loans made from one of these separate special accounts shall be credited to that separate special account for continued use as a loan fund.

12 Administrative Board Deleted; Commissioner Added. Amend RSA 188-F:19, I to read as follows:

I. The [administrative board] **commissioner** may operate bookstores at department institutions directly or through use of contracts with private vendors. Any such contracts shall be subject to review under normal state procedures and shall be approved by the governor and council.

13 Gender Neutral Language Substitution. Amend RSA 188-F:24, II and III to read as follows:

II. Except for the commissioner of postsecondary technical education or designee, the attorney general or designee, the director of the division of state police or designee, and the commissioner of the department of corrections or designee, who shall serve during their continuance in office, members of the council shall be appointed by the governor for terms of 2 years. No member shall serve beyond the time that [he no longer holds] the office or employment which qualified [him] **such member** for appointment is held. Any vacancy on the council shall be filled for the unexpired term in the same manner as the original appointment. Persons filling vacancies shall be appointed to serve out the unexpired term and shall have the same qualifications for office as the member whose vacancy they are filling.

III. The governor shall designate a member to be the [chairman] **chairperson** of the council, and the council shall elect annually its vice [chairman] **chairperson** from among the members of the council.

14 Gender Neutral Language Substitution. Amend RSA 188-F:24, VI to read as follows:

VI. The council shall hold no fewer than 4 regular meetings a year. The [chairman] **chairperson** shall fix the times and places of meetings, either on [his] **the chairperson's** own motion or upon written request of any 5 members of the council.

15 Gender Neutral Language Substitution. Amend RSA 188-F:26, XIV to read as follows:

XIV. The department shall employ a director of police standards and training and such other personnel as may be necessary to perform the duties assigned by the department. The director shall be nominated by the council and appointed by the commissioner for a term of 4 years[. He] , **and** shall be an unclassified employee whose salary shall be established by RSA 94:1-a. All other employees shall be classified employees. The director shall have practical and academic knowledge in the field of law enforcement, including substantial administrative experience and a degree or degrees in criminology, police administration, or other similar field or any equivalent combination of education and experience[. He] , **and** shall be a member of the administrative board established by RSA 188-F:7.

16 Gender Neutral Language Substitution. Amend RSA 188-F:27, I and II to read as follows:

I. At the earliest practical time, the council shall provide by rule that after one year from the effective date of the rule no person shall be appointed as a police officer or state corrections officer, except on a temporary or probationary basis, unless such person has satisfactorily completed a preparatory program of police or corrections training appropriate to such person's position at a school approved by the council. No such officer who lacks the educational and training qualifications required by this section may have [his] *the* temporary or probationary employment extended beyond 2 years.

II. Every elected police officer shall be required to satisfactorily complete a preparatory program of police training at a school approved by the council. Any elected officer who has not complied with the educational and training requirements of this paragraph within 6 months after [his] election shall be removed from office by the governing body of the governmental unit *by which such officer was elected* [him]; provided, however, that the council may, for such reasons as it may specify in its rules, grant an extension of this time limit not to exceed an additional 6 months. A governing body which has removed an elected police officer from office under the provisions of this paragraph shall appoint a police officer to fill the vacant office. The appointed police officer shall continue to hold office until the elected officer who was removed has complied with the educational and training requirements of this paragraph or until an election is held, whichever occurs first. If any police officer who has failed to comply with the educational and training requirements of this paragraph is reelected, [he may] *such officer shall* not take office [unless he has the] *without* permission of the council. If a noncomplying police officer who has not obtained the permission of the council to take office is reelected, the governing body of the governmental unit *by which such officer was elected* [him] shall appoint a police officer to fill the vacant office. The appointed police officer shall continue to hold office until the elected officer has complied with the educational and training requirements of this paragraph or until an election is held, whichever occurs first.

17 Gender Neutral Language Substitution. Amend RSA 188-F:27, VI and VII to read as follows:

VI. Any bingo and lucky 7 inspector who has the power to enforce the criminal laws under RSA 106-A and RSA 287-E and rules of the sweepstakes commission and department of safety and who was serving under a permanent appointment prior to July 1, 1986, shall not be required to meet the requirements of paragraphs I and III; however, any special agent referred to in this paragraph shall complete such limited programs as may be prescribed by rule adopted under RSA 541-A by the police standards and training council under this section within one year of the date [said] *the* programs are required. Should any inspector exempted from the requirements of paragraphs I and III of this section by this paragraph terminate employment with the department of safety and be hired as a police officer by another police department of the state or a political subdivision thereof, [his] *the inspector's* certification shall lapse and may be reinstated upon completion of such necessary additional training courses as the police standards and training council may prescribe by rule adopted under RSA 541-A.

VII. Any special agent of the state liquor commission who has the power to enforce the criminal laws under RSA title XIII and rules of the state liquor commission and who was serving under a permanent appointment prior to August 13, 1985, shall not be required to meet the requirements of paragraphs I and III; however, any special agent referred to in this paragraph shall complete such limited programs as may be prescribed by rule adopted under RSA 541-A by the police standards and training council under this section within one year of the date [said] *the* programs are required. Should any special agent exempted from the requirements of paragraphs I and III of this section by this paragraph terminate employment with the state liquor commission and be hired as a police officer by another police department of the state or a political subdivision thereof, [his] *the special agent's* certification shall lapse and may be reinstated upon completion of such necessary additional training courses as the police standards and training council may prescribe by rule adopted under RSA 541-A.

18 Director of Police Standards and Training; Membership of Administrative Board Deleted. Amend RSA 188-F:27, XIV to read as follows:

XIV. The department shall employ a director of police standards and training and such other personnel as may be necessary to perform the duties assigned by the department. The director shall be nominated by the council and appointed by the commissioner for a term of 4 years[. He] *and* shall be an unclassified employee whose salary shall be established by RSA 94:1-a.

All other employees shall be classified employees. The director shall have practical and academic knowledge in the field of law enforcement, including substantial administrative experience and a degree or degrees in criminology, police administration, or other similar field or any equivalent combination of education and experience. [He shall be a member of the administrative board established by RSA 188-F:7.]

19 Gender Neutral Language Substitution. Amend RSA 188-F:31, V to read as follows:

V. If it is determined by a court that the payment of all or any part of a penalty assessment would work a hardship on the person convicted or on [his] *such person's* immediate family, the court may suspend the payment of all or any part of the assessment.

20 Gender Neutral Language Substitution. Amend RSA 188-F:32-c, I(b) to read as follows:

(b) The volunteer was acting in good faith and within the scope of [his] *the volunteer's* official functions and duties with the organization; and

21 Gender Neutral Language Substitution. Amend RSA 188-F:33 to read as follows:

188-F:33 Institute Security Force. The president of the New Hampshire *regional community-*technical institute is authorized to organize a security force for the purpose of patrolling the institute's buildings, roads, and grounds and providing for general security at the institute. The campus security force shall be under the immediate control of the president of the institute or [his] designee.

22 Gender Neutral Language Substitution. Amend RSA 188-F:38 to read as follows:

188-F:38 Membership. The committee shall be appointed as follows: 3 senators, including the [chairman] *chairperson* of the senate education committee and a member of the senate finance committee, by the president of the senate; and 3 representatives, including the [chairman] *chairperson* of the house education committee and a member of the house appropriations committee, by the speaker of the house of representatives. The chair of the study committee shall rotate biennially between the [chairman] *chairperson* of the house education committee and the [chairman] *chairperson* of the senate education committee. A member shall only serve while [he is] *also* a member of the general court. The members shall not be entitled to any salary but are entitled to reimbursement for mileage and other expenses incurred in carrying out their duties. The committee may hire necessary consultants, professional or clerical personnel.

23 Changing Name of Postsecondary Technical Education to Regional Community-Technical Colleges. Amend the following RSA provisions by replacing "postsecondary technical education" and "postsecondary technical institutions" with "regional community-technical colleges": RSA 4:8-a, I; 21-K:11, IV; 21-K:14, IV; 126-A:10-d, II(k); 188-B:2; 188-D:2, I; 188-D:2, III and IV; the chapter heading of 188-F; 188-F:5, I; 188-F:14-a, I and II; introductory paragraph of 188-F:14-b; 188-F:18; 188-F:19, II; 188-F:20; 188-F:23, III; 188-F:24, I and II; 188-F:24, VII; 188-F:25; 188-F:32; 188-F:37; 188-F:42, I(c)(4); 188-F:42, I(c)(6); 188-F:44-46; introductory paragraph of 188-F:47; 188-F:52, I; introductory paragraph of 188-F:52, II; 188-F:52, II(b)(1); 188-F:52, II(b)(4) and (5); 188-F:52, IV; 188-F:55, I and II; and 622:28-b, II(a)(6).

24 Changing Name of Technical Institute and Technical Colleges to Regional Community-Technical Institute and Colleges. Amend the following RSA provisions by replacing "technical institutes or technical colleges," "technical colleges and institutes," "technical institute and technical colleges," "technical institute and the technical colleges," "technical institute and 6 technical colleges," "technical colleges and the technical institute," and "technical colleges and technical institute" with "regional community-technical institute and colleges": section heading of RSA 4:8-a; 186:6-a; 188-B:2; 188-D:2, IV; introductory paragraph of 188-F:14-b, VII; 188-F:14-c; 188-F:15; 188-F:19, II; 188-F:21; and 188-F:37.

25 Changing Name of "Technical Institute" and "Technical Institutes" to "Regional Community-Technical Institute." Amend the following RSA provisions by replacing "technical institute" with "regional community-technical institute: RSA 21-K:10; 21-K:14, V; the subdivision heading preceding 188-F:33; 188-F:34; and 188-F:35, I.

26 Changing Name of "Technical Colleges" to "Regional Community-Technical Colleges." Amend the following RSA provisions by replacing "technical colleges" with "regional community-technical colleges": RSA 188-F:43, II(e).

27 Repeal. The following are repealed:

I. RSA 188-F:7, relative to the postsecondary technical education administrative board.

II. RSA 188-F:9, relative to postsecondary technical education deans.

III. RSA 188-F:10, relative to the name and program of the technical institute.  
28 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill:

I. Changes the name of the department of "postsecondary technical education" to the department of "regional community-technical colleges."

II. Changes the name of the technical institute and colleges to "regional community-technical institute and colleges."

III. Expands the purpose of the technical colleges to preparing students to continue higher education.

IV. Provides that the department and the university system shall develop mutually agreed upon transfer articulation agreements.

V. Authorizes the board of governors to name individual technical colleges.

VI. Deletes requirement for approval of fiscal committee to transfer or eliminate instructional programs.

VII. Substitutes the commissioner for the administrative board.

VIII. Repeals sections relative to the administrative board, technical college deans, and the name and program of the technical institute.

The remainder of this bill amends certain RSA provisions making them gender neutral and consistent with other sections amended by the bill in accordance with RSA 17-A:6 relative to gender neutral drafting.

It is a request of the department of postsecondary technical education.

Adopted.

Report adopted and referred to Finance.

**HB 470-FN**, relative to change of school assignment for students subjected to harassment.  
**UGHT TO PASS WITH AMENDMENT**

Rep. Karen K. Hutchinson for Education: This bill, as amended, requires the State Board of Education to adopt rules relative to the meaning of "manifest educational hardship." It also requires that local school boards establish policy that allows them to take necessary and appropriate action when such hardship exists. Vote 14-3.

### Amendment (1667L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to the state board's rulemaking authority and local district policy  
regarding situations involving manifest educational hardship.

Amend the bill by replacing all after the enacting clause with the following:

1 Manifest Educational Hardship; State Board's Rulemaking Authority; Local District Policy.

Amend RSA 193:3 to read as follows:

193:3 Change of School or Assignment; Excusing Attendance.

**I.** Any person having custody of a child may apply to the school board for relief if he thinks the attendance of the child at the school to which such child has been assigned will result in a manifest educational hardship to the child. If the person having custody of the child is aggrieved by the decision of the school board, he may appeal to the state board of education, and the state board of education, after investigating the case and giving notice to the school board, may order such child to attend another school in the same district, if such a school is available, or to attend school in another district. In case the child is assigned to attend school in another district, the district in which such child resides shall pay tuition computed as provided in RSA 193:4 to the district in which such child attends. The state board of education may also permit such child to withdraw from school attendance for such time as it may deem necessary or proper or may make such other orders with respect to the attendance of such child at school as in its judgment the circumstances require. Educationally disabled children as defined in RSA 186-C:2 shall be accorded a due process review pursuant to rules adopted under RSA 186-C:16.

**II.** *The state board of education shall adopt rules relative to manifest educational hardship and related issues which affect a child's attendance to school. Each school district shall*



*establish a policy, consistent with the state board's rules, which shall allow a school board, with the recommendation of the superintendent, to take appropriate action including, but not limited to, assignment to a public school in another district when manifest educational hardship is shown.*

2 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill requires the state board to adopt rules relative to situations involving manifest educational hardship and provides that local school districts shall establish policy consistent with the state board's rules authorizing a school board, with recommendation of the superintendent to take appropriate action in such instances.

Adopted.

Report adopted and ordered to third reading.

**HB 499-FN**, allowing school administrative personnel to authorize the use of police canine units for drug and weapon searches in schools. **INEXPEDIENT TO LEGISLATE**

Rep. Karen K. Hutchinson for Education: The committee believes that this particular piece of legislation is not the vehicle needed to achieve the desired goal. Vote 15-2.

Adopted.

**HB 157**, establishing a committee to study the cost of the rabies vaccine for human beings and other issues relative to rabies. **RE-REFER TO COMMITTEE**

Rep. Donald R. Philbrick for Environment and Agriculture: The Committee unanimously agreed that this bill should be re-referred. There are several issues relating to rabies vaccine costs and other issues relative to rabies which require further study. Vote 16-0.

Adopted.

**HB 210**, establishing a study committee to review options for promoting economic development through the timely remediation of non-superfund sites. **RE-REFER TO COMMITTEE**

Rep. Richard T. Trelfa for Environment and Agriculture: As requested by the sponsor, the committee voted to re-refer this bill to Environment and Agriculture's hazardous waste issues subcommittee, chaired by Representative Richard O. Wasson and including Representatives Charles Bridgewater, Derek Owen, William R. Phinney and Peter Showerman. Vote 16-0.

Adopted.

**HB 275**, encouraging businesses to conduct environmental self-audits. **RE-REFER TO COMMITTEE**

Rep. M. Kathryn Aranda for Environment and Agriculture: This bill has far-reaching effects on environmental regulation and requires further analysis and study. Vote 16-0.

Adopted.

**HB 295**, allowing oil companies to market oil that contains a percentage of recycled oil. **ought to pass with amendment**

Rep. Richard O. Wasson for Environment and Agriculture: This bill encourages the use of a mixture of certain used and virgin oil. Vote 19-1.

### Amendment (1655L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to the use of recycled oil.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Director of the Division of Air Resources; Duty Added. Amend RSA 125-C:6 by inserting after paragraph VI the following new paragraph:

VI-a. Encouraging the recycling of waste oil by allowing qualified marketers to sell, and qualified facilities to burn, a mixture that consists of at least 90 percent virgin no. 6 oil and the remainder complying with the used fuel oil specification 40 CFR, section 279.11, table 1.

2 New Paragraph; Rulemaking. Amend RSA 147-A:3 by inserting after paragraph XXIV the following unnumbered concluding paragraph:

The division of waste management shall not adopt rules relative to petroleum fuel products that consist of at least 90 percent virgin no. 6 oil and not more than 10 percent used oil that complies with the used oil fuel oil specifications in 40 CFR, section 279.11, table 1.

3 Use of Mixture of Used and Virgin Oil. Amend RSA 339-B by inserting after section 2 the following new section:

339-B:2-a Mixture of Used and Virgin Oil. To encourage the recycling of waste oil, a person may store or sell a mixture that consists of at least 90 percent virgin no. 6 oil and the remainder complying with the used fuel oil specifications in 40 CFR, section 279.11, table 1.

4 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill encourages the use of a mixture of certain used and virgin oil.

This bill also prohibits the division of waste management from adopting rules relative to such used and virgin oil.

Rep. Wasson yielded to questions.

Adopted.

Report adopted and ordered to third reading.

**HB 350**, establishing a recycling market development steering committee. **OUGHT TO PASS WITH AMENDMENT**

Rep. M. Kathryn Aranda for Environment and Agriculture: This bill establishes a recycling market development steering committee. The amendment brings it into conformance with current reporting requirements. Vote 16-0.

### Amendment (1685L)

Amend RSA 149-O:3, I as inserted by section 1 of the bill by inserting after subparagraph (k) the following new subparagraph:

(l) The commissioner of the department of transportation, or designee.

Amend RSA 149-O as inserted by section 1 of the bill by inserting after section 3 the following and renumbering the original section 4 to read as 6:

149-O:4 Meetings. The committee shall meet quarterly and at such other times as the chairperson may call.

149-O:5 Report. The committee shall prepare an annual report detailing the committee's progress. The committee shall submit the report by February 1 each year to the chairperson of the house environment and agriculture committee, the chairperson of the senate environment committee, the speaker of the house, the senate president, the house clerk, the senate clerk, and the governor.

Adopted.

Report adopted and ordered to third reading.

**HB 382**, relative to the operation of the incinerator by the Lamprey regional solid waste cooperative at the University of New Hampshire in the town of Durham. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Trelfa for Environment and Agriculture: The Legislature should not interfere when parties to a contract have consistently expressed an intention to terminate a contract. Vote 14-2.

Adopted.

**HB 466**, relative to the definition of plastic holding devices. **INEXPEDIENT TO LEGISLATE**

Rep. Betsy A. Coes for Environment and Agriculture: Federal laws on this state have been sicked and this bill would surely conflict. DES, Wildlife, lobbyist, Fish and Game, the recommendations were all the same. Harm to fishes and turtles we certainly do hate, but the risk is low so we say inexpedient to legislate. Vote 20-0.

Adopted.

**HB 573-FN-L**, including ferrets in the law requiring rabies vaccinations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald R. Philbrick for Environment and Agriculture: After considerable deliberation and much input, the committee feels this is the best solution to any possible rabies threat posed

by domestic ferrets. This bill requires all ferrets to be vaccinated against rabies and establishes a 45-day quarantine period for ferrets which have been vaccinated and bite someone. Any ferret which has not been vaccinated which bites someone will be seized, euthanized and tested for rabies. Vote 19-0.

### Amendment (1692L)

Amend the bill by replacing all after section 8 with the following:

9 New Section; Ferrets. Amend RSA 436 by inserting after section 105-a the following new section:

#### 436:105-b Impoundment of Ferret Rabies Suspects.

I. Any ferret displaying symptoms which indicate a likelihood that such ferret is afflicted with rabies which has bitten a person and caused a puncture of the skin or which has caused a nonbite exposure shall be immediately euthanized and the head sent for examination to the public health laboratory, division of public health services. It shall be the responsibility of the owner for any expense for euthanizing the ferret and for preparing the head for shipment to the public health laboratory. If the owner of the ferret is not known, the rabies control authority shall be responsible for the expense.

II. Any ferret not vaccinated or whose vaccination status is unknown which has bitten any person and caused a puncture of the skin or which has caused a nonbite exposure of the person shall be seized and euthanized and the head sent for examination to the public health laboratory, division of public health services. It shall be the responsibility of the owner for any expense for euthanizing the ferret and for preparing the head for shipment to the public health laboratory. If the owner of the ferret is not known, the rabies control authority shall be responsible for the expense and such expense shall be paid from fees collected under RSA 466:4 and 466:6.

III. Any healthy ferret vaccinated in accordance with RSA 436:100, which has bitten any person and caused a puncture of the skin or which has caused a nonbite exposure, shall be confined by the owner or other responsible person as required by the local authorities for a period of 45 days, at which time the ferret shall be examined by a licensed veterinarian. If no signs of rabies are observed by the veterinarian, the ferret may be released from confinement. Any illness in the ferret during confinement or before release shall be evaluated by a licensed veterinarian. If signs suggestive of rabies develop, the ferret shall be euthanized and the head sent for examination to the public health laboratory, division of public health services. It shall be the responsibility of the owner for any expense for the examination and the impoundment of the ferret, for euthanizing the ferret and for preparing the head for shipment to the public health laboratory. If the owner of the ferret does not consent to the confinement or if the owner of the ferret is not known, the rabies control authority shall be responsible for the expense and such expense shall be paid from fees collected under RSA 466:4 and 466:6.

10 Ferrets Added. Amend RSA 436:106 to read as follows:

436:106 Handling of Dogs [and], Cats *and Ferrets* Bitten by Rabid Animals. In the case of dogs [and], cats *and ferrets* known to have been bitten by a rabid animal or to have had a nonbite exposure, the following provisions shall apply:

#### I. UNVACCINATED DOGS [AND], CATS *AND FERRETS*.

(a) In the case of dogs [and], cats *and ferrets* which are not vaccinated in accordance with RSA 436:100 and which have been bitten by a known rabid animal or have had a nonbite exposure, the dogs [and], cats *and ferrets* which were bitten or exposed to rabies shall be immediately euthanized, unless the owner is unwilling as provided in subparagraph (b) of this paragraph. The owner shall be responsible for the expense of destroying and disposing of the dog [or], cat *or ferret*. In the case of a stray dog [or], cat *or ferret* whose owner is not known, the rabies control authority shall be responsible for the expense, and such expense shall be paid from the fees collected under RSA 466:4 and 466:6.

(b) If the owner is unwilling to destroy the dog [or], cat *or ferret*, strict isolation of the dog [or], cat *or ferret*, in a kennel under veterinary supervision and in cooperation with the local authorities, for a minimum of 6 months shall be enforced. The dog [or], cat *or ferret* shall be vaccinated against rabies 30 days prior to completion of the 6-month impoundment. Any illness in the dog [or], cat *or ferret* during confinement or before release shall be evaluated by a licensed veterinarian. If signs suggestive of rabies develop, the animal shall be euthanized and the head sent

for examination to the public health laboratory, division of public health services. The expense of vaccination shall be paid in advance by the owner, and the expense of impoundment shall be paid monthly in advance by the owner. In case of default in payment, the local authority may euthanize the dog [or], cat *or ferret* after a 10-day grace period and the head shall be sent for examination to the public health laboratory, division of public health services. The expense of euthanizing the dog [or], cat *or ferret*, for disposal of the remains, and for preparing and shipping the head, shall be the responsibility of the owner.

II. VACCINATED DOGS [AND], CATS *AND FERRETS*. If the dog [or], cat *or ferret* is vaccinated in accordance with the provisions of RSA 436:100, the dog [or], cat *or ferret* shall be handled as follows:

(a) The dog [or], cat *or ferret* shall be immediately revaccinated and confined for a period of 90 days following revaccination. Any illness in the dog [or], cat *or ferret* during confinement or before release shall be evaluated by a licensed veterinarian. If signs suggestive of rabies develop, the animal shall be euthanized and the head sent for examination to the public health laboratory, division of public health services. The owner of the dog [or], cat *or ferret* shall be responsible for any expense incurred. The type of confinement shall be at the discretion of the local authority. At the completion of confinement, the dog [or], cat *or ferret* shall be examined by a licensed veterinarian and released if found by said veterinarian to be free of any signs of rabies.

(b) If the dog [or], cat *or ferret* is not immediately revaccinated, the dog [or], cat *or ferret* shall be confined in strict isolation in a kennel for 6 months under the supervision of the local authority in cooperation with a licensed veterinarian. The dog [or], cat *or ferret* shall be vaccinated against rabies 30 days prior to completion of the 6-month impoundment. The owner of the dog [or], cat *or ferret* is responsible for all expenses incurred and shall pay each month in advance. If there is default in payment, the local authority may euthanize the dog [or], cat *or ferret* after a 10-day grace period, and the head shall be sent for examination to the public health laboratory, division of public health services. The expense of destroying the dog [or], cat *or ferret*, for disposal of the remains, and for preparing and shipping the head shall be the responsibility of the owner.

(c) The dog [or], cat *or ferret* shall be euthanized if the owner does not comply with the provisions of subparagraph (a) or (b) of this paragraph.

III. In the case of dogs [and], cats *and ferrets* whose vaccination status is unknown and whose owner cannot be located, the provisions of RSA 436:106, I(a) shall apply. The expense shall be an expense of the rabies control authority, and such expense shall be paid from fees collected under RSA 466:4 and 466:6.

11 Ferrets Added. Amend RSA 436:107 to read as follows:

436:107 Impoundment of Dog Without Tag. The rabies control authority shall authorize a pound or pounds, or shall enter into a cooperative agreement with a licensed veterinarian, or licensed animal shelter, for the establishment and operation of a pound. Any dog found off the owner's premises and not wearing a valid vaccination tag shall be impounded. All impounded dogs shall be given proper care and maintenance. Each impounded dog shall be kept and maintained at the pound for a minimum of 7 days unless reclaimed earlier by the owner. Notice of impoundment of all dogs, including any significant marks of identification, shall be posted at the pound as public notification of impoundment. Any unvaccinated dog may be reclaimed by its owner during the period of impoundment by payment of prescribed pound fees and complying with the rabies vaccination requirement of this subdivision within 72 hours of release. Any vaccinated dog impounded because of lack of a rabies vaccination tag may be reclaimed by its owner by furnishing proof of rabies vaccination and payment of all necessary and reasonable impoundment fees prior to release. If the dog is unclaimed at the end of 7 days, the rabies control authority may dispose of the dog in accordance with applicable laws or rules. If the dog is a stray, the town shall be responsible for the expense incurred. This section shall not apply to cats *or ferrets*.

12 Ferrets Added. Amend RSA 436:108 to read as follows.

436:108 Enforcement. The commissioner shall enforce the provisions of this subdivision for the control of rabies in dogs [and], cats *or ferrets*, and [he] shall adopt such rules, pursuant to RSA 541-A, as [he deems] necessary to carry out the intent of this subdivision.

13 Ferrets Added. Amend RSA 437:10 to read as follows:

437:10 Dogs [and], Cats *and Ferrets*.

I. No dog [or], cat *or ferret* shall be offered for sale or resale by a licensee without first being protected against infectious diseases using a vaccine approved by the state veterinarian and unless accompanied by an official health certificate issued by a licensed veterinarian within 14 days of sale. Said certificate shall be in triplicate, one copy of which shall be sent to the state veterinarian, one copy of which shall be for the licensee's records, and one copy of which shall be given to the purchaser upon resale as provided in paragraph II.

II. The original of the official health certificate accompanying the dog [or], cat *or ferret* offered for sale or resale by a licensee shall be kept on the premises where dogs [and], cats *and ferrets* are displayed, and made available for inspection upon request. The public will be informed of their right to inspect the health certificate for each dog [or], cat *or ferret* by a sign prominently displayed in the area where the dogs [or], cats *or ferrets* are displayed. Upon sale of the dog [or], cat *or ferret*, this health certificate shall be updated by the licensee if any other medication or treatment has been given by a licensed veterinarian or the licensee to the dog [or], cat *or ferret* and shall be given to the purchaser in addition to any other documents which are customarily delivered to the purchaser.

III. All animal shelter facilities as defined in RSA 437:2, I, are exempt from the requirements of this subdivision relative to accepting, selling, or transferring dogs [and], cats *and ferrets*.

IV. No person, firm or corporation shall ship or bring into the state of New Hampshire, to offer for sale or resale in the state of New Hampshire, any cat or dog less than 8 weeks of age. No licensee shall offer for sale or resale any cat or dog less than 8 weeks of age.

V. All dogs [and], cats *and ferrets* received for resale shall be held 48 hours separated from other animals on the premises before being offered for sale.

14 Gender-Neutral Language Added. Amend RSA 437:11 to read as follows:

437:11 Importation and Sale Violation. In addition to the penalty specified in RSA 437:9, any person, firm or corporation may have [his] *the* license for a pet shop suspended or revoked by the commissioner of agriculture for violation of this subdivision.

15 Ferrets Added. Amend RSA 437:13 to read as follows:

437:13 Examination by Licensed Veterinarian. Within 14 days of sale, the purchaser of a dog [or], cat *or ferret* from a licensee may have the dog [or], cat *or ferret* examined by a licensed veterinarian selected by the purchaser and, unless said examination indicates the dog [or], cat *or ferret* to be free of disease, the purchaser shall be entitled to substitution or, at the purchaser's option, a full refund of the purchase price of the dog [or], cat *or ferret* upon return of the dog [or], cat *or ferret* to the licensee within 2 business days of said examination, accompanied by the veterinarian's certificate.

16 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted and ordered to third reading.

**HB 623**, expanding the membership of the state conservation committee. **OUGHT TO PASS WITH AMENDMENT**

Rep. M. Kathryn Aranda for Environment and Agriculture: This bill expands the State Conservation Committee to include the Director of the Fish and Game Department. Vote 16-0.

### Amendment (1355L)

Amend the bill by replacing section 1 with the following:

1 State Conservation Committee. Amend RSA 432:10 to read as follows:

432:10 State Conservation Committee. There is hereby established to serve as an agency of the state a conservation committee, which shall consist of [11] **12** members: the director of the state cooperative extension service, *or designee*; the director of the state agricultural experiment station, *or designee*; the state commissioner of agriculture, *or designee*; the commissioner of the department of resources and economic development, *or designee*; the commissioner of the department of environmental services, *or designee*[.]; *the executive director of the department of fish and game, or designee*; the executive director of the New Hampshire Association of Conservation Commissions[.]; and 5 appointed members, all of whom shall be district supervisors or former district supervisors who shall be from counties as follows: one from Coos or

Grafton; one from Belknap or Carroll; one from Cheshire or Sullivan; one from Hillsborough or Merrimack; one from Rockingham or Strafford. [Said] *The* supervisor or former supervisor members shall be appointed by the governor with the advice and consent of the council to serve 4 years respectively from August 1 and until their successors are appointed and qualified; provided, however, that of the first appointments made hereunder 2 members shall be appointed to serve for a term of 2 years and the other 3 members shall be appointed for a term of 4 years. Advisory committee members shall serve without vote and shall include the state conservationist, soil conservation service, United States Department of Agriculture and others appointed by the state conservation committee as deemed appropriate. Vacancies shall be filled for unexpired terms. The committee so composed shall elect its own [chairman] *chairperson* from one of the 5 appointees. The members of [said] *the* committee shall serve without compensation, but the appointees shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of their duties. It may adopt rules, pursuant to RSA 541-A, necessary for the execution of its functions [hereunder] *under this subdivision* and shall keep a record of its official actions. Within the limits of the appropriation it may employ such employees as it requires and fix their compensation subject to the rules of the division of personnel.

### AMENDED ANALYSIS

This bill adds the executive director of the fish and game department to the state conservation committee.

The bill also allows all department heads on the state conservation committee to appoint designees.

This bill is a request of the state conservation committee.

Adopted.

Report adopted and ordered to third reading.

**HB 648**, eliminating municipal responsibility to provide, or assure access to, an approved solid waste facility. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Trelfa for Environment and Agriculture: The Committee voted this bill Inexpedient to Legislate on the basis that, by itself, it would have a far-reaching and not necessarily beneficial impact on communities and the State. The general subject will be covered by the special subcommittee studying recodification of solid waste laws. Vote 16-0.

Adopted.

**HB 105**, relative to amateur boxing. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ray F. Langer for Executive Departments and Administration: The bill provides for conducting amateur boxing under the rules of the Amateur Boxing Federation that provides for certification of referees, judges, timers, weight masters, directors, inspectors and physicians. It was felt that those individuals now boxing would continue to box whether or not the protection afforded by the rules was in force. This adoption would bring New Hampshire into affiliation with the rest of New England. Vote 16-1.

### Amendment (1465L)

Amend the bill by replacing section 1 with the following;

1 Statement of Purpose. The general court finds significant differences between amateur and professional boxing. In order to promote amateur boxing and make Olympic and Golden Gloves programs available to the young people of New Hampshire, it is essential that the legislature adopt the Amateur Boxing Federation as the governing body for amateur boxing.

### AMENDED ANALYSIS

Section 3 of this bill requires the boxing and wrestling commission to cooperate with national amateur boxing governing bodies to ensure Olympic eligibility for boxers in this state and bring New Hampshire into affiliation with the rest of New England.

The remainder of this bill amends certain RSA provisions making them gender neutral and consistent with other sections amended by the bill in accordance with RSA 17-A:6 relative to gender neutral drafting.

Adopted.

Report adopted and ordered to third reading.

**HB 236**, relative to the recovered memory syndrome. RE-REFER TO COMMITTEE

Rep. Peter F. Wells, Sr. for Executive Departments and Administration: This bill begins to address the difficult and controversial subject of recovered memory syndrome therapy. Much attention has been focused recently on the issue of memories of abuse recovered through therapy. Referral of this bill will provide an opportunity to study this complex area of concern in a fair and unhurried manner. The goal is a bill that simultaneously protects the victims of abuse, allows justice for those improperly accused because of faulty application of RMS therapy and, finally, and of utmost importance, permits the reasonable and unfettered practice of reputable psychotherapists. Vote 9-7.

Adopted.

**HB 256**, changing the name of Civil Rights Day to Martin Luther King, Jr. Civil Rights Day. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. John J. Sytek for the Majority of Executive Departments and Administration: New Hampshire's Civil Rights Day, celebrated on the federal Martin Luther King holiday, is the result of a compromise reached four years ago. That resolution broke a 12-year stalemate and addressed the concerns of both sides. By calling it Civil Rights Day, we recognized that the cause of civil rights was larger than any one person. By celebrating it on Dr. King's birthday, we saluted his special contribution. In the present proposal, the committee was concerned that including Dr. King's name in the holiday name would have the undesirable effect of slighting the many other heroes in the 150-year civil rights movement. No new information was presented to the committee which would cause the committee to reassess the status quo - a status quo that, according to a recent survey, met with a 78 percent approval rating. Testimony that New Hampshire was the only state without a Martin Luther King holiday was later shown to be misleading. Finally, the committee noted that New Hampshire has only one holiday bearing the name of an American, that of George Washington. Last year, the House rejected a bill joining Lincoln's name to that of Washington. The committee has interpreted that to mean that Washington should remain the only person to be so honored despite a host of other worthy men and women such as Dr. King. Vote 13-7.

Rep. Sandy B. Stettenheim for the Minority of Executive Departments and Administration: "In recognition of all efforts to help our nation achieve its highest ideals, in recognition of the struggle to achieve democratic rights for all Americans, and in recognition of the individual who serves as the foremost symbol of the ongoing struggle for liberty and equality..", this bill adds Martin Luther King, Jr. to Civil Rights Day in RSA 288:1. It is a named holiday which "would serve as a time for NH residents to reflect on the principals of equality and nonviolent social change espoused by Martin Luther King, Jr. and to rededicate themselves to the ideals of freedom and justice." (Quotes from Purpose, section 1 of HB 256.)

Rep. Hurst requested a quorum count. The Speaker declared a quorum present.

Reps. Jacobson and Hurst spoke against.

Reps. Benjamin Moore, Goddard, Vivian Clark, Kurk and Laughlin spoke in favor.

Reps. Sabella and Vaughn spoke against.

Rep. Buckley requested a quorum count. The Speaker declared a quorum present.

Rep. Lionel Johnson spoke against and yielded to questions.

Rep. John Sytek spoke in favor.

Rep. David Cote requested a roll call; sufficiently seconded. The question being the adoption of the Majority report.

**YEAS 214 - NAYS 144**

**YEAS 214**

**BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Lawton, David  
Thomas, John

Boriso, Thomas  
Hurt, George  
Lawton, Robert  
Turner, Robert

Dewhirst, Glenn  
Johnson, James  
Rice, Thomas, Jr.  
Wendelboe, Francine

Golden, Paul  
Laffam, Robert  
Rosen, Ralph  
Ziegler, Alice

**CARROLL**

Babson, David, Jr.  
Dickinson, Howard, Jr.  
Lyman, L. Randy

Beach, Mildred  
Foster, Robert  
Mock, Henry

Chandler, Gene  
Howard, Godfrey  
Patten, Betsey

Cooper, Kipp  
Kenney, Joseph  
Philbrick, Donald

**CHESHIRE**

Cole, Stacey  
Metzger, Katherine

Delano, Robert  
Smith, Edwin

Feuer, Joseph  
Steere, Myron, III

Laurent, John

**COOS**

Coulombe, Henry  
Merrill, Gerald

Coulombe, Yvonne  
St. Hilaire, Paul

Davis, Perley

Guay, Lawrence

**GRAFTON**

Brown, Alson  
Eaton, Stephanie  
Phinney, William

Chase, Paul, Jr.  
Ham, Bonnie  
Scanlan, David

Cobbin, Philip  
LaMott, Paul  
Tucker, John

Connolly, Steven  
MacNeil, Allen  
Williams, William, Jr.

**HILLSBOROUGH**

Aksten, Cheryl  
Belvin, William  
Calawa, Leon, Jr.  
Daniels, Gary  
Dyer, Merton  
Ferguson, Charles  
Gibson, John  
Holt, David  
Kelley, Robert  
Laughlin, J. Francis  
Luebkert, Bernard  
McCarty, Winston  
Milligan, Robert  
Pepino, Leo  
Sargent, Maxwell  
Wells, Peter, Sr.  
Wright, George

Andrews, Frederick  
Bridgewater, Charles  
Chabot, Robert  
Desmarais, Vivian  
Dykstra, Leona  
Fields, Dennis  
Gotham, Rita  
Hunter, Bruce  
Krochmal, Mark  
Lefebvre, Roland  
MacGillivray, Jeffrey  
McRae, Karen  
Moncrief, Keith  
Peters, Stanley  
Searles, Stanley, Sr.  
Wheeler, Robert

Arnold, Thomas, Jr.  
Brundige, Robert  
Clegg, Robert, Jr.  
Dodge, Emma  
Emerton, Lawrence, Sr.  
Francoeur, Gary  
Goulet, Maurice  
Jean, Loren  
Kurk, Neal  
Legacy, Earl  
MacIntyre, Doris  
Mercer, Robert  
Packard, Bonnie  
Riley, Frances  
Showerman, Peter  
White, Donald

Barry, Janet  
Burke, M. Virginia  
Cote, Peter  
Dokmo, Cynthia  
Fenton, James  
Gagnon, Eugene  
Herman, Keith  
Kane, Laura  
L'Heureux, Robert  
Letendre, Evelyn  
Marcinkowski, Michael  
Messier, Irene  
Pappas, Marc  
Sallada, Roland  
Soucy, Richard  
Worthen, Dorothy

**MERRIMACK**

Adams, Stephen  
Chandler, John  
Lamach, Bernard  
Patenaude, Amy  
Whittemore, James

Barberia, Richard  
Crowell, Peter  
Langer, Ray  
Pitman, Mary Ellen  
Willis, Jack

Brown, Mary  
Holmes, Mary  
Morrill, Olive  
Warner, Richard

Chandler, Earle  
Kennedy, Richard  
Nichols, Avis  
Whalley, Michael

**ROCKINGHAM**

Aranda, M. Kathryn  
Bishop, Franklin  
Clark, Vivian  
Dolan, Richard  
Dunham, Vivian  
Flanders, David  
Gleason, John  
Haynes, Richard  
Katsakiores, Phyllis  
Lupien, James  
McKinney, Betsy  
Noyes, Richard  
Richards, David  
Senter, Marilyn  
Sytek, Donna  
Welch, David

Attar, Kevin  
Boucher, William  
Conroy, Janet  
Dowd, Sandra  
Felch, Charles, Sr.  
Flanders, John, Sr.  
Goddard, Warren  
Hutchinson, Karen  
Klemm, Arthur, Jr.  
Magoon, Harold  
Moore, Benjamin  
Packard, Sherman  
Ross, James  
Simmons, John Anthony  
Sytek, John  
Weyler, Kenneth

Beaulieu, Jon  
Camm, Kevin  
Cote, Patricia  
Dowling, Patricia  
Fesh, Robert  
Gage, Beverly  
Gorman, Donald  
Johnson, Robert  
Kobel, Rudolph  
Malcolm, Ken  
Morris, Debbie  
Putnam, Ed, II  
Rubin, George  
Stone, Joseph  
Tufts, J. Arthur  
Yennaco, Carol

Belanger, Ronald  
Carson, Gregory  
Dodge, Robert  
Dube, LeRoy  
Flanagan, Natalie  
Gargiulo, Louis  
Hawkins, Robert  
Katsakiores, George  
Lee, Rebecca  
McCarthy, John, Jr.  
Nowe, Ronald  
Raynowska, Bernard  
Scanlon, Edward  
Stritch, C. Donald  
Weare, Everett



**STRAFFORD**

Callaghan, Frank  
McKinley, Robert  
Torr, Franklin

Douglass, Clyde  
Reynolds, Charles  
Torr, Ralph

Hanlon, Mark  
Steadman, Frederick  
Vincent, Francis

Knowles, William  
Sullivan, Henry  
Wasson, Richard

**SULLIVAN**

Adler, Rudolf

Scott, Robert

Whipple, Allen

**NAYS 144****BELKNAP**

Smith, Linda

**CARROLL**

Bradley, Jeb

**CHESHIRE**

Avery, Stephen  
Hunt, John  
McGuirk, Paul  
Robertson, Timothy

Burnham, Daniel  
Kingsbury, H. Thayer  
Pratt, Irene  
Royce, H. Charles

Champagne, Richard  
Lynch, Margaret  
Richardson, Barbara  
Russell, Ronald

DePecol, Benjamin  
Manning, Joseph  
Riley, William  
Wollner, Robert

**COOS**

Hawkinson, Marie

Horton, Lynn

Mears, Edgar

**GRAFTON**

Bean, Pamela  
Crory, Elizabeth  
Lovett, Sidney  
Trelfa, Richard

Below, Clifton  
Guest, Robert  
Mirski, Paul

Brown, Channing  
Hill, Richard  
Nordgren, Sharon

Copenhaver, Marion  
Larson, Nils, Jr.  
Teschner, Douglass

**HILLSBOROUGH**

Ahern, Richard  
Bergeron, Normand  
Cote, David  
Foster, Linda  
Hart, Nick  
Johnson, Lionel  
Melcher, Harold  
Perkins, Paul  
Streeter, Janice  
Toomey, Kathryn

Allen, W. Gordon  
Buckley, Raymond  
Drabinowicz, A. Theresa  
Hall, Betty  
Holden, Carol  
LaRose, Richard  
Mittelman, David  
Philbrook, Paula  
Sullens, Joan  
Turgeon, Roland

Alukonis, David  
Cepaitis, Elizabeth  
Durham, Susan  
Hallyburton, Margaret  
Holley, Sylvia  
Martin, Mary  
O'Hearn, Jane  
Reidy, Frank  
Taylor, Paul  
White, John

Asselin, Robert  
Clemons, Jane  
Dwyer, Paul, Sr.  
Hansen, Herbert  
Jean, Claudette  
McMahon, Donald  
O'Rourke, Joanne  
Soucy, Donna  
Thulander, O. Alan

**MERRIMACK**

Buessing, Marjorie  
DeStefano, Stephen  
Hess, David  
MacKay, James  
Rogers, Katherine  
Yeaton, Charles

Chandler, Charles  
Dunn, Miriam  
Jacobson, Alf  
Moore, Carol  
Shaw, Randall

Crosby, Toni  
Feuerstein, Martin  
Little, Michael  
Newland, Matthew  
Varsalone, Robert

Daneault, Gabriel  
Fraser, Marilyn  
Lockwood, Robert  
Owen, Derek  
Wallner, Mary Jane

**ROCKINGHAM**

Abbott, Dennis  
Clark, Martha  
Hurst, Sharleene  
Langley, Jane  
Splaine, James

Arndt, Janet  
Coes, Betsy  
Kane, Cecelia  
McGovern, Cynthia  
Syracusa, Anthony

Case, Margaret  
Crossman, Harold, Jr.  
Kelley, Jane  
Pantelakos, Laura  
Vaughn, Charles

Christie, Andrew, Jr.  
Henderson, Warren  
Kruse, Fred  
Sabella, Norma

**STRAFFORD**

Berube, Roger  
Dunlap, Patricia  
Hilliard, Dana  
Merritt, Deborah  
Spears, Barbara  
Wheeler, Katherine

Brown, George  
Grassie, Anne  
Loder, Suzanne  
Musler, George  
Tessimond, Shane  
Williams, Howard

Chagnon, Ronald  
Hambrick, Patricia  
Lundborn, Raymond  
Pelletier, Arthur  
Torr, Ann

DeChane, Marlene  
Hemon, Roland  
Merrill, Amanda  
Snyder, Clair  
Wall, Janet

**SULLIVAN**

Allison, David  
Krueger, Richard  
Stettenheim, Sandy

Behrens, Thomas  
Lindblade, Eric

Cloutier, John  
Palmer, Lorraine

Flint, Gordon  
Schotanus, Merle

and the report was adopted.

Rep. Thulander voted nay and intended to vote yea.

Reps. Paula Bradley and Norma Champagne did not vote and intended to vote nay.

Rep. Lozeau wished to be recorded against.

**HB 326-FN-L**, requiring that all governmental business be conducted in English. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE**

Rep. Ray F. Langer for the Majority of Executive Departments and Administration: The majority felt that English, being the predominant language in New Hampshire, should be designated the official language in which all official documents should be written. There is nothing in the bill that prohibits a document to be printed in two languages as long as one is English nor is instruction in any other language prohibited. Vote 12-8.

Reps. Sandy B. Stettenheim and Lawrence A. Emerton, Sr. for the Minority of Executive Departments and Administration: There is no demonstrable need for this bill. Although it is touted as a future cost-saving measure, the bill would impose undue burdens on state agencies and local governing units which have an occasional need to publish documents in languages other than English. Even though some exceptions are allowed, the requirements for public hearings and separate accounting for costs of non-English activities impose unfunded mandates on local governments. This bill does not respect the dynamics of difference and sends the wrong message to our children regarding the cultural and practical value of a second language. Although the private sector is exempted from the bill, the negative message fostered by this bill is not in New Hampshire's best interests with the rapid changes now occurring in economic development. Since the vote on this bill crossed party lines, the issue is obviously non-partisan.

**Amendment (1115L)**

Amend section 1 of the bill by inserting after paragraph XII the following new paragraph:

XIII. The traditional language of the United States has always been English, the knowledge of which is essential to the full exercise of constitutional freedoms, citizen checks against governmental abuses, and individual prosperity and independence. The English language has contributed substantially to national unity and societal cohesiveness. This act designates English as the official language of this state, thus affording to that language all the legal protections which accompany such designation.

Amend the bill by replacing section 2 with the following:

2 New Chapter; Official Language of New Hampshire. Amend RSA by inserting after chapter 3-B the following new chapter:

**CHAPTER 3-C  
OFFICIAL STATE LANGUAGE**

3-C:1 Official State Language.

I. The official language of the state of New Hampshire shall be English. English is designated as the language of all official public documents and records, and of all public proceedings and nonpublic sessions.

II. For the purposes of this chapter, "official public documents and records" are all documents officially compiled, published, or recorded by the state, including but not limited to public laws, private acts, deeds, publicly probated wills, and records of births, deaths, and marriages.

III. For the purposes of this chapter, "public proceedings and nonpublic sessions" mean those proceedings and sessions as defined in RSA 91-A, and includes the information recorded at such proceedings and sessions.

3-C:2 Exceptions. The provisions of this chapter shall not apply:

I. To instruction in foreign language courses.

II. To instruction designed to aid students with limited English in a timely transition and integration into the general education system.

III. To the promotion of international commerce, tourism, and sporting events.

IV. When deemed to interfere with needs of the justice system.

V. When the public safety, health, or emergency services require the use of other languages; provided, however, that any such authorization for the use of languages other than English in printing informational materials or publications for general distribution shall be approved in a public proceeding by the governing board or authority of the relevant state or municipal entity, and the decision shall be recorded in publicly available minutes.

VI. When expert testimony or witnesses may require a language other than English; provided, however, that for purposes of deliberation, decision making, or recordkeeping, the official version of such testimony or commentary shall be the officially translated English-language version.

3-C:3 Costs. All costs related to the preparation, translation, printing, and recording of documents, records, brochures, pamphlets, flyers, or other informational materials in languages other than English resulting from an exception in RSA 3-C:2 shall be delineated as a separate budget line item in the agency, departmental, or office budget.

3-C:4 Employment. No person shall be denied employment with the state or with any political subdivision of the state based solely upon that person's lack of facility in a foreign language, except when related to bona fide job needs reflected in the exceptions listed in RSA 3-C:2.

3-C:5 Construction. This chapter shall not be construed in any way to infringe on the rights of citizens under the state constitution or the constitution of the United States in the use of language in activities or functions conducted solely in the private sector. No agency or officer of the state or of any political subdivision of the state shall place any restrictions or requirements regarding language usage for businesses operating in the private sector other than in official documents, forms, submissions, or other communications directed to governmental agencies and officers, which communications shall be in English as recognized in this chapter.

3-C:6 Right of Action. Any citizen of the state shall have standing to bring an action against the state to enforce this chapter. The superior court shall have jurisdiction to hear and decide any such action brought under this chapter.

### AMENDED ANALYSIS

This bill states that the official language of the state of New Hampshire shall be English. Subject to certain exceptions, English is designated as the language of all official public documents and records, and of all public proceedings.

Adopted.

Rep. Stettenheim spoke against.

Reps. Langer and Wasson spoke in favor.

Rep. Guay spoke against and yielded to questions.

Rep. Arnold spoke in favor and yielded to questions.

Rep. Avery requested a roll call; sufficiently seconded. The question being the adoption of the Majority report.

### YEAS 228 - NAYS 114

#### YEAS 228

#### BELKNAP

Bartlett, Gordon

Holbrook, Robert

Rosen, Ralph

Wendelboe, Francine

Boriso, Thomas

Johnson, James

Smith, Linda

Ziegra, Alice

Dewhirst, Glenn

Lawton, David

Thomas, John

Golden, Paul

Rice, Thomas, Jr.

Turner, Robert

**CARROLL**

Babson, David, Jr.  
Dickinson, Howard, Jr.  
Mock, Henry

Beach, Mildred  
Foster, Robert  
Patten, Betsey

Chandler, Gene  
Howard, Godfrey

Cooper, Kipp  
Lyman, L. Randy

**CHESHIRE**

Avery, Stephen  
Laurent, John  
Smith, Edwin

Cole, Stacey  
Manning, Joseph  
Steere, Myron, III

Delano, Robert  
McGuirk, Paul

Feuer, Joseph  
Metzger, Katherine

**COOS**

Davis, Perley

**GRAFTON**

Bean, Pamela  
Connolly, Steven  
Larson, Nils, Jr.  
Scanlan, David  
Williams, William, Jr.

Brown, Alson  
Eaton, Stephanie  
Lovett, Sidney  
Teschner, Douglass

Brown, Channing  
Ham, Bonnie  
MacNeil, Allen  
Trelfa, Richard

Cobbin, Philip  
Hill, Richard  
Mirski, Paul  
Tucker, John

**HILLSBOROUGH**

Ahern, Richard  
Arnold, Thomas, Jr.  
Bridgewater, Charles  
Cepaitis, Elizabeth  
Desmarais, Vivian  
Durham, Susan  
Francoeur, Gary  
Haetenschwiller, Alphonse  
Holt, David  
Kelley, Robert  
Lefebvre, Roland  
MacGillivray, Jeffrey  
McMahon, Donald  
Milligan, Robert  
Pappas, Marc  
Sallada, Roland  
Sullens, Joan  
White, Donald

Aksten, Cheryl  
Asselin, Robert  
Brundige, Robert  
Chabot, Robert  
Dodge, Emma  
Dyer, Merton  
Gagnon, Eugene  
Hansen, Herbert  
Jean, Loren  
Krochmal, Mark  
Legacy, Earl  
MacIntyre, Doris  
Melcher, Harold  
Mittelman, David  
Pepino, Leo  
Searles, Stanley, Sr.  
Taylor, Paul  
Wright, George

Alukonis, David  
Barry, Janet  
Burke, M. Virginia  
Clegg, Robert, Jr.  
Dokmo, Cynthia  
Dykstra, Leona  
Gibson, John  
Hart, Nick  
Johnson, Lionel  
Kurk, Neal  
Letendre, Evelyn  
Marcinkowski, Michael  
Mercer, Robert  
O'Hearn, Jane  
Perkins, Paul  
Showerman, Peter  
Thulander, O. Alan

Andrews, Frederick  
Belvin, William  
Calawa, Leon, Jr.  
Daniels, Gary  
Drabinowicz, A. Theresa  
Fenton, James  
Gotham, Rita  
Herman, Keith  
Kane, Laura  
L'Heureux, Robert  
Luebker, Bernard  
Martin, Mary  
Messier, Irene  
Packard, Bonnie  
Riley, Frances  
Streeter, Janice  
Wells, Peter, Sr.

**MERRIMACK**

Adams, Stephen  
Chandler, Earle  
Hess, David  
Langer, Ray  
Nichols, Avis  
Whalley, Michael

Barberia, Richard  
Chandler, John  
Holmes, Mary  
Lockwood, Robert  
Patenaude, Amy  
Whittemore, James

Brown, Mary  
Crowell, Peter  
Kennedy, Richard  
MacKay, James  
Pitman, Mary Ellen  
Willis, Jack

Buessing, Marjorie  
Feuerstein, Martin  
Lamach, Bernard  
Morrill, Olive  
Shaw, Randall

**ROCKINGHAM**

Aranda, M. Kathryn  
Belanger, Ronald  
Christie, Andrew, Jr.  
Crossman, Harold, Jr.  
Dunham, Vivian  
Flanders, David  
Gleason, John  
Haynes, Richard

Arndt, Janet  
Bishop, Franklin  
Clark, Vivian  
Dodge, Robert  
Felch, Charles, Sr.  
Flanders, John, Sr.  
Goddard, Warren  
Hutchinson, Karen

Attar, Kevin  
Boucher, William  
Conroy, Janet  
Dolan, Richard  
Fesh, Robert  
Gage, Beverly  
Gorman, Donald  
Johnson, Robert

Beaulieu, Jon  
Camm, Kevin  
Cote, Patricia  
Dowd, Sandra  
Flanagan, Natalie  
Gargiulo, Louis  
Hawkins, Robert  
Klemm, Arthur, Jr.

Kobel, Rudolph  
Magoon, Harold  
Morris, Debbie  
Putnam, Ed, II  
Rubin, George  
Stone, Joseph  
Sytek, John  
Yennaco, Carol

Langley, Jane  
Malcolm, Ken  
Nowe, Ronald  
Raynowska, Bernard  
Scanlon, Edward  
Stritch, C. Donald  
Weare, Everett

Lee, Rebecca  
McCarthy, John, Jr.  
Noyes, Richard  
Richards, David  
Senter, Merilyn  
Syracusa, Anthony  
Welch, David

Lupien, James  
McKinney, Betsy  
Packard, Sherman  
Ross, James  
Simmons, John Anthony  
Sytek, Donna  
Weyler, Kenneth

### STRAFFORD

Brown, George  
Knowles, William  
Steadman, Frederick  
Torr, Franklin

Douglass, Clyde  
McKinley, Robert  
Sullivan, Henry  
Torr, Ralph

Dunlap, Patricia  
Reynolds, Charles  
Tessimond, Shane  
Wasson, Richard

Hanlon, Mark  
Spear, Barbara  
Torr, Ann  
Williams, Howard

### SULLIVAN

Adler, Rudolf  
Schotanus, Merle

Flint, Gordon  
Scott, Robert

Krueger, Richard

Lindblade, Eric

### NAYS 114

### BELKNAP

Hurt, George

Laflam, Robert

Lawton, Robert

### CARROLL

Bradley, Jeb

Kenney, Joseph

### CHESHIRE

Burnham, Daniel  
Kingsbury, H. Thayer  
Royce, H. Charles

Champagne, Richard  
Richardson, Barbara  
Russell, Ronald

DePecol, Benjamin  
Riley, William  
Wollner, Robert

Hunt, John  
Robertson, Timothy

### COOS

Coulombe, Henry  
Horton, Lynn

Coulombe, Yvonne  
Mears, Edgar

Guay, Lawrence  
Merrill, Gerald

Hawkinson, Marie  
St. Hilaire, Paul

### GRAFTON

Below, Clifton  
Guest, Robert

Chase, Paul, Jr.  
LaMott, Paul

Copenhaver, Marion  
Nordgren, Sharon

Crory, Elizabeth  
Phinney, William

### HILLSBOROUGH

Allen, W. Gordon  
Cote, Peter  
Fields, Dennis  
Hallyburton, Margaret  
Jean, Claudette  
O'Rourke, Joanne  
Soucy, Donna  
Wheeler, Robert

Bergeron, Normand  
Dwyer, Paul, Sr.  
Foster, Linda  
Holden, Carol  
LaRose, Richard  
Peters, Stanley  
Soucy, Richard  
White, John

Buckley, Raymond  
Emerton, Lawrence, Sr.  
Goulet, Maurice  
Holley, Sylvia  
McCarty, Winston  
Philbrook, Paula  
Toomey, Kathryn

Cote, David  
Ferguson, Charles  
Hall, Betty  
Hunter, Bruce  
McRae, Karen  
Sargent, Maxwell  
Turgeon, Roland

### MERRIMACK

Chandler, Charles  
Dunn, Miriam  
Moore, Carol  
Wallner, Mary Jane

Crosby, Toni  
Fraser, Marilyn  
Newland, Matthew  
Warner, Richard

Daneault, Gabriel  
Jacobson, Alf  
Owen, Derek  
Yeaton, Charles

DeStefano, Stephen  
Little, Michael  
Rogers, Katherine

### ROCKINGHAM

Abbott, Dennis  
Dowling, Patricia

Case, Margaret  
Henderson, Warren

Clark, Martha  
Hurst, Sharleene

Coes, Betsy  
Kane, Cecelia

Katsakiores, George  
McGovern, Cynthia  
Tufts, J. Arthur

Katsakiores, Phyllis  
Pantelakos, Laura  
Vaughn, Charles

Kelley, Jane  
Sabella, Norma

Kruse, Fred  
Splaine, James

### STRAFFORD

Berube, Roger  
Hemon, Roland  
Merrill, Amanda  
Vincent, Francis

Chagnon, Ronald  
Hilliard, Dana  
Merritt, Deborah  
Wall, Janet

DeChane, Marlene  
Loder, Suzanne  
Pelletier, Arthur  
Wheeler, Katherine

Grassie, Anne  
Lundborn, Raymond  
Snyder, Clair

### SULLIVAN

Allison, David

Behrens, Thomas

Cloutier, John

Stettenheim, Sandy

and the report was adopted. Ordered to third reading.

Rep. Whipple did not vote and intended to vote yea.

Rep. Lozeau wished to be recorded in favor.

#### **HB 330**, to establish the ethics governing board. **INEXPEDIENT TO LEGISLATE**

Rep. Sandy B. Stettenheim for Executive Departments and Administration: This bill seeks to provide oversight by an elected five person board for alleged improper or illegal ethical conduct on the part of any officer or employee of any governmental unit of the executive, legislative or judicial branches of government. Although the committee recognized the apparent abuses of authority which prompted the bill, the committee did not consider this bill the appropriate vehicle to correct the problems. Constitutional changes probably would have to be made in order to enact the legislation. Vote 19-1.

Adopted.

#### **HB 407**, relative to the education requirements for certified public accountants. **INEXPEDIENT TO LEGISLATE**

Rep. Jon P. Beaulieu for Executive Departments and Administration: This bill would revise the provisions relative to the education requirements for certified public accountants. The committee feels that this bill is unnecessary, since the same benefits that might accrue can be accomplished through continued education which is presently required by law. The NH Board of Accountancy voted 3-to-0 against this requirement. This same requirement was rejected last year when the legislature passed HB 1194 and refused to include additional hours of study. Vote 16-1.

Adopted.

#### **HB 537**, requiring an annotation of federal authority in administrative rules adopted under federal authority. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: Implementation of this bill would require all rules adopted as a result of federal statute or regulation to have a cross reference to the federal statute or regulation. The testimony that the committee heard dealt with the burden the bill would place upon the departments. The bill does not have a fiscal note but the departments said there would be an additional cost in man-hours to meet the requirements of the bill. The majority of the committee felt that portions of 541-A cover the reference to statutory requirements in the rule making register and that some departments maintain a checklist that specifically identifies the federal regulation relating to specific rules. The department indicated that this information was available to those interested in the correlation, therefore, the committee voted that this bill would be a burden on the departments and the information requested in the bill was available if needed. Vote 14-4.

Adopted.

#### **HB 569**, establishing a committee to review and make recommendations concerning the administrative practices of the public employee labor relations board. **RE-REFER TO COMMITTEE**

Rep. John J. Sytek for Executive Departments and Administration: The subcommittee recommended Re-Refer rather than passage of this bill which has established a study committee which includes members other than legislators. The full committee agreed to keep the bill. Vote 9-7.

Adopted.

**REMARKS**

Rep. Dunn addressed the House.

Rep. Buckley moved that the remarks of Rep. Dunn be printed in the Journal.

Adopted.

Rep. Dunn: Thank you Mr. Speaker. This will be a housekeeping one-minute statement. I don't think it will take a vote. I doubt that there will be any debate. As a member of the Executive Departments and Administration Committee, the vote of Re-refer, 9 to 7, is correct. But in the hurry of making the Committee reports by the deadline, the Committee report needs clarification. With the permission of the Chair of Executive Departments and Administration, the Vice Chair and the writer of the Committee report, I would request that the clarification be made. That the Committee in its discussion of this bill, voting Re-refer, 9; the 7 wanted Inexpedient to Legislate. The Committee report indicates that there was a question about passage of the bill. That was never a part of the discussion. If that could be in the permanent Journal with House Bill 569, Mr. Speaker, I would appreciate that clarification.

**HB 442**, establishing temporary rates equal to the statutory rates for the telecommunications tax, the meals and rooms tax, and the real estate transfer tax. **OUGHT TO PASS WITH AMENDMENT**

Rep. Neal M. Kurk for Finance: The committee amendment continues the present rates of the rooms and meals, real estate transfer and communications services taxes for the next biennium in order to preserve more than \$80 million of unrestricted general fund revenue that would otherwise be lost. Vote 17-8.

**Amendment (1514L)**

Amend the title of the bill by replacing it with the following:

**AN ACT**

extending the temporary rates for the meals and rooms tax,  
telecommunications tax and real estate transfer tax  
through the biennium ending June 30, 1997.

Amend the bill by replacing all after the enacting clause with the following:

1 Rate of Tax for Biennium Ending June 30, 1997; Meals and Rooms Tax. Notwithstanding the provisions of RSA 78-A, the tax imposed under RSA 78-A:6 shall be imposed as follows for the period beginning July 1, 1995, and ending June 30, 1997:

I. A tax of 8 percent of the rent is imposed upon each occupancy.

II. A tax is imposed on taxable meals based upon the charge therefor as follows:

(a) Three cents for a charge between \$.36 and \$.37 inclusive;

(b) Four cents for a charge between \$.38 and \$.50 inclusive;

(c) Five cents for a charge between \$.51 and \$.62 inclusive;

(d) Six cents for a charge between \$.63 and \$.75 inclusive;

(e) Seven cents for a charge between \$.76 and \$.87 inclusive;

(f) Eight cents for a charge between \$.88 and \$1.00 inclusive;

(g) Eight percent of the charge for taxable meals over \$1.00, provided that fractions of cents shall be rounded up to the next whole cent.

2 Rate of Tax for Biennium Ending June 30, 1997; Intrastate and Interstate Communications Services. Notwithstanding RSA 82-A:3 and 82-A:4, for the period beginning July 1, 1995, and ending June 30, 1997, the rate of tax is 5.5 percent on the gross charge for communications services purchased at retail from a retailer.

3 Rate of Tax for Biennium Ending June 30, 1997; Real Estate Transfer Tax. Notwithstanding the provisions of RSA 78-B:1, I, for the period beginning July 1, 1995, and ending June 30, 1997, the rate of the tax is \$.50 per \$100, or fractional part thereof, of the price or consideration for such sale, grant or transfer; except that where the price or consideration is \$4,000 or less there shall be a minimum tax of \$20. The tax imposed shall be computed to the nearest whole dollar.

4 Effective Date. This act shall take effect July 1, 1995.

**AMENDED ANALYSIS**

This bill extends the temporary rates for the meals and rooms tax, telecommunications tax, and real estate transfer tax through the biennium ending June 30, 1997.

Rep. Donna Soucy requested that the amendment be divided. The Speaker ruled that the amendment was divisible.

The question being the adoption of Section 1, the Meals and Rooms Tax.

Reps. DePecol and Donna Soucy spoke against.

Reps. Kurk and Channing Brown spoke in favor and yielded to questions.

Rep. Donna Soucy requested roll calls on each section; sufficiently seconded.

## YEAS 226 - NAYS 101

### YEAS 226

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Golden, Paul	Holbrook, Robert
Hurt, George	Johnson, James	Lawton, David	Lawton, Robert
Rice, Thomas, Jr.	Rosen, Ralph	Smith, Linda	Thomas, John
Turner, Robert	Wendelboe, Francine	Ziegler, Alice	

#### CARROLL

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey	Kenney, Joseph
Lyman, L. Randy	Mock, Henry		

#### CHESHIRE

Avery, Stephen	Burnham, Daniel	Cole, Stacey	Delano, Robert
Feuer, Joseph	Hunt, John	Laurent, John	Manning, Joseph
Metzger, Katherine	Royce, H. Charles	Smith, Edwin	Steere, Myron, III

#### COOS

Davis, Perley	Guay, Lawrence	Horton, Lynn	St. Hilaire, Paul
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#### GRAFTON

Bean, Pamela	Brown, Alson	Brown, Channing	Cobbin, Philip
Connolly, Steven	Eaton, Stephanie	Hill, Richard	LaMott, Paul
Larson, Nils, Jr.	MacNeil, Allen	Mirski, Paul	Phinney, William
Scanlan, David	Teschner, Douglass	Trelfa, Richard	Williams, William, Jr.

#### HILLSBOROUGH

Ahern, Richard	Aksten, Cheryl	Allen, W. Gordon	Alukonis, David
Andrews, Frederick	Arnold, Thomas, Jr.	Belvin, William	Bridgewater, Charles
Brundige, Robert	Burke, M. Virginia	Calawa, Leon, Jr.	Cepaitis, Elizabeth
Chabot, Robert	Champagne, Norma	Clegg, Robert, Jr.	Cote, Peter
Desmarais, Vivian	Dodge, Emma	Dokmo, Cynthia	Durham, Susan
Dyer, Merton	Dykstra, Leona	Emerton, Lawrence, Sr.	Fields, Dennis
Gagnon, Eugene	Gibson, John	Goulet, Maurice	Hallyburton, Margaret
Hansen, Herbert	Hart, Nick	Herman, Keith	Holden, Carol
Holley, Sylvia	Jean, Loren	Johnson, Lionel	Kane, Laura
Kelley, Robert	Kurk, Neal	L'Heureux, Robert	LaRose, Richard
Legacy, Earl	Letendre, Evelyn	Luebker, Bernard	MacGillivray, Jeffrey
MacIntyre, Doris	Marcinkowski, Michael	McCarty, Winston	McMahon, Donald
Mercer, Robert	Milligan, Robert	Mittelman, David	O'Hearn, Jane
Packard, Bonnie	Pappas, Marc	Pepino, Leo	Perkins, Paul
Peters, Stanley	Riley, Frances	Sallada, Roland	Sargent, Maxwell
Searles, Stanley, Sr.	Showerman, Peter	Soucy, Richard	Streeter, Janice
Sullens, Joan	Taylor, Paul	Thulander, O. Alan	White, Donald
Wright, George			

#### MERRIMACK

Barberia, Richard	Brown, Mary	Buessing, Marjorie	Chandler, Earle
Chandler, John	Crowell, Peter	Feuerstein, Martin	Hess, David



Holmes, Mary  
Lockwood, Robert  
Shaw, Randall  
Willis, Jack

Kennedy, Richard  
MacKay, James  
Warner, Richard

Langer, Ray  
Nichols, Avis  
Whalley, Michael

Little, Michael  
Patenaude, Amy  
Whittemore, James

### ROCKINGHAM

Abbott, Dennis  
Beaulieu, Jon  
Carson, Gregory  
Conroy, Janet  
Dolan, Richard  
Felch, Charles, Sr.  
Flanders, John, Sr.  
Goddard, Warren  
Hurst, Sharleene  
Klemm, Arthur, Jr.  
Magoon, Harold  
Noyes, Richard  
Richards, David  
Senter, Merilyn  
Sytek, Donna  
Welch, David

Aranda, M. Kathryn  
Belanger, Ronald  
Christie, Andrew, Jr.  
Cote, Patricia  
Dowd, Sandra  
Fesh, Robert  
Gage, Beverly  
Hawkins, Robert  
Johnson, Robert  
Kruse, Fred  
Malcolm, Ken  
Packard, Sherman  
Ross, James  
Stone, Joseph  
Sytek, John  
Weyler, Kenneth

Arndt, Janet  
Bishop, Franklin  
Clark, Vivian  
Crossman, Harold, Jr.  
Dowling, Patricia  
Flanagan, Natalie  
Gargiulo, Louis  
Haynes, Richard  
Katsakiores, George  
Langley, Jane  
McKinney, Betsy  
Putnam, Ed, II  
Sabella, Norma  
Stritch, C. Donald  
Tufts, J. Arthur  
Yennaco, Carol

Attar, Kevin  
Boucher, William  
Coes, Betsy  
Dodge, Robert  
Dunham, Vivian  
Flanders, David  
Gleason, John  
Henderson, Warren  
Katsakiores, Phyllis  
Lee, Rebecca  
Morris, Debbie  
Raynowska, Bernard  
Scanlon, Edward  
Syracusa, Anthony  
Weare, Everett

### STRAFFORD

Douglass, Clyde  
Spear, Barbara  
Torr, Ralph

Dunlap, Patricia  
Steadman, Frederick  
Wasson, Richard

McKinley, Robert  
Torr, Ann

Reynolds, Charles  
Torr, Franklin

### SULLIVAN

Behrens, Thomas  
Schotanus, Merle

Flint, Gordon  
Scott, Robert

Krueger, Richard

Lindblade, Eric

### NAYS 101

### BELKNAP

Dewhirst, Glenn

Laflam, Robert

### CARROLL

Cooper, Kipp

### CHESHIRE

DePecol, Benjamin  
Riley, William

Kingsbury, H. Thayer  
Robertson, Timothy

Pratt, Irene  
Wollner, Robert

Richardson, Barbara

### COOS

Coulombe, Henry

Coulombe, Yvonne

Hawkinson, Marie

Mears, Edgar

### GRAFTON

Below, Clifton  
Ham, Bonnie

Copenhaver, Marion  
Lovett, Sidney

Crory, Elizabeth  
Nordgren, Sharon

Guest, Robert

### HILLSBOROUGH

Asselin, Robert  
Daniels, Gary  
Foster, Linda  
Hunter, Bruce  
Martin, Mary  
Philbrook, Paula  
White, John

Bergeron, Normand  
Drabinowicz, A. Theresa  
Gotham, Rita  
Jean, Claudette  
Melcher, Harold  
Soucy, Donna

Buckley, Raymond  
Dwyer, Paul, Sr.  
Haettenschwiller, Alphonse  
Krochmal, Mark  
Messier, Irene  
Toomey, Kathryn

Cote, David  
Ferguson, Charles  
Hall, Betty  
Lefebvre, Roland  
O'Rourke, Joanne  
Turgeon, Roland

**MERRIMACK**

Adams, Stephen	Chandler, Charles	Daneault, Gabriel	DeStefano, Stephen
Dunn, Miriam	Jacobson, Alf	Lamach, Bernard	Moore, Carol
Morrill, Olive	Newland, Matthew	Rogers, Katherine	Wallner, Mary Jane
Weeks, John, Jr.	Yeaton, Charles		

**ROCKINGHAM**

Camm, Kevin	Clark, Martha	Gorman, Donald	Hutchinson, Karen
Kane, Cecelia	Kelley, Jane	Kobel, Rudolph	Lupien, James
McCarthy, John, Jr.	McGovern, Cynthia	Nowe, Ronald	Pantelakos, Laura
Rubin, George	Simmons, John Anthony	Splaine, James	Vaughn, Charles

**STRAFFORD**

Berube, Roger	Brown, George	Chagnon, Ronald	DeChane, Marlene
Grassie, Anne	Hemon, Roland	Hilliard, Dana	Knowles, William
Loder, Suzanne	Lundborn, Raymond	Merrill, Amanda	Merritt, Deborah
Pelletier, Arthur	Snyder, Clair	Sullivan, Henry	Tessimond, Shane
Vincent, Francis	Wall, Janet	Wheeler, Katherine	Williams, Howard

**SULLIVAN**

Allison, David	Cloutier, John	Palmer, Lorraine	Stettenheim, Sandy
Whipple, Allen			

and Section 1, the Meals and Rooms tax was adopted.

Rep. Fenton did not vote and intended to vote yea.

The question now being the adoption of Section 2, the Telecommunications Tax.

**YEAS 222 - NAYS 97****YEAS 222****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Dewhirst, Glenn	Golden, Paul
Holbrook, Robert	Hurt, George	Johnson, James	Laflam, Robert
Lawton, David	Lawton, Robert	Rice, Thomas, Jr.	Rosen, Ralph
Smith, Linda	Thomas, John	Turner, Robert	Wendelboe, Francine
Ziegler, Alice			

**CARROLL**

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cooper, Kipp	Foster, Robert	Howard, Godfrey	Kenney, Joseph
Lyman, L. Randy	Mock, Henry		

**CHESHIRE**

Avery, Stephen	Cole, Stacey	Delano, Robert	Feuer, Joseph
Hunt, John	Laurent, John	Manning, Joseph	Metzger, Katherine
Royce, H. Charles	Smith, Edwin	Steere, Myron, III	

**COOS**

Davis, Perley	Guay, Lawrence	Horton, Lynn
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**GRAFTON**

Bean, Pamela	Brown, Alson	Brown, Channing	Cobbin, Philip
Connolly, Steven	Eaton, Stephanie	Hill, Richard	LaMott, Paul
Larson, Nils, Jr.	MacNeil, Allen	Mirski, Paul	Phinney, William
Scanlan, David	Teschner, Douglass	Trelfa, Richard	Williams, William, Jr.

**HILLSBOROUGH**

Ahern, Richard	Aksten, Cheryl	Allen, W. Gordon	Alukonis, David
Andrews, Frederick	Arnold, Thomas, Jr.	Belvin, William	Bridgewater, Charles
Brundige, Robert	Burke, M. Virginia	Calawa, Leon, Jr.	Cepaitis, Elizabeth

Chabot, Robert  
Desmarais, Vivian  
Dyer, Merton  
Gibson, John  
Hart, Nick  
Jean, Loren  
Kurk, Neal  
Letendre, Evelyn  
Marcinkowski, Michael  
Milligan, Robert  
Pappas, Marc  
Riley, Frances  
Showerman, Peter  
Taylor, Paul

Champagne, Norma  
Dodge, Emma  
Emerton, Lawrence, Sr.  
Goulet, Maurice  
Herman, Keith  
Johnson, Lionel  
L'Heureux, Robert  
Luebker, Bernard  
McCarty, Winston  
Mittelman, David  
Pepino, Leo  
Sallada, Roland  
Soucy, Richard  
Thulander, O. Alan

Clegg, Robert, Jr.  
Dokmo, Cynthia  
Fields, Dennis  
Hallyburton, Margaret  
Holden, Carol  
Kane, Laura  
LaRose, Richard  
MacGillivray, Jeffrey  
McMahon, Donald  
O'Hearn, Jane  
Perkins, Paul  
Sargent, Maxwell  
Streeter, Janice  
White, Donald

Cote, Peter  
Durham, Susan  
Gagnon, Eugene  
Hansen, Herbert  
Holley, Sylvia  
Kelley, Robert  
Legacy, Earl  
MacIntyre, Doris  
Mercer, Robert  
Packard, Bonnie  
Peters, Stanley  
Searles, Stanley, Sr.  
Sullens, Joan  
Wright, George

### MERRIMACK

Barberia, Richard  
Chandler, John  
Holmes, Mary  
Little, Michael  
Patenaude, Amy  
Whittemore, James

Brown, Mary  
Crowell, Peter  
Kennedy, Richard  
Lockwood, Robert  
Shaw, Randall  
Willis, Jack

Buessing, Marjorie  
Feuerstein, Martin  
Lamach, Bernard  
MacKay, James  
Warner, Richard

Chandler, Earle  
Hess, David  
Langer, Ray  
Nichols, Avis  
Whalley, Michael

### ROCKINGHAM

Aranda, M. Kathryn  
Belanger, Ronald  
Christie, Andrew, Jr.  
Crossman, Harold, Jr.  
Dowling, Patricia  
Flanders, David  
Gleason, John  
Henderson, Warren  
Katsakiores, George  
Langley, Jane  
Morris, Debbie  
Raynowska, Bernard  
Scanlon, Edward  
Syracusa, Anthony  
Weare, Everett

Arndt, Janet  
Bishop, Franklin  
Clark, Vivian  
Dodge, Robert  
Dunham, Vivian  
Flanders, John, Sr.  
Goddard, Warren  
Hurst, Sharleene  
Katsakiores, Phyllis  
Lee, Rebecca  
Noyes, Richard  
Richards, David  
Senter, Merilyn  
Sytek, Donna  
Welch, David

Attar, Kevin  
Boucher, William  
Coes, Betsy  
Dolan, Richard  
Fesh, Robert  
Gage, Beverly  
Hawkins, Robert  
Hutchinson, Karen  
Klemm, Arthur, Jr.  
Magoon, Harold  
Packard, Sherman  
Ross, James  
Stone, Joseph  
Sytek, John  
Weyler, Kenneth

Beaulieu, Jon  
Carson, Gregory  
Cote, Patricia  
Dowd, Sandra  
Flanagan, Natalie  
Gargiulo, Louis  
Haynes, Richard  
Johnson, Robert  
Kruse, Fred  
Malcolm, Ken  
Putnam, Ed, II  
Sabella, Norma  
Stritch, C. Donald  
Tufts, J. Arthur  
Yennaco, Carol

### STRAFFORD

Douglass, Clyde  
Steadman, Frederick  
Wasson, Richard

Dunlap, Patricia  
Torr, Ann

McKinley, Robert  
Torr, Franklin

Spear, Barbara  
Torr, Ralph

### SULLIVAN

Behrens, Thomas  
Schotanus, Merle

Flint, Gordon  
Scott, Robert

Krueger, Richard

Lindblade, Eric

### NAYS 97

### BELKNAP

None

### CARROLL

None

### CHESHIRE

DePecol, Benjamin  
Riley, William

Kingsbury, H. Thayer  
Robertson, Timothy

Pratt, Irene  
Wollner, Robert

Richardson, Barbara

**COOS**

Coulombe, Henry  
St. Hilaire, Paul

Coulombe, Yvonne

Hawkinson, Marie

Mears, Edgar

**GRAFTON**

Below, Clifton  
Lovett, Sidney

Copenhaver, Marion  
Nordgren, Sharon

Crory, Elizabeth

Ham, Bonnie

**HILLSBOROUGH**

Asselin, Robert  
Daniels, Gary  
Foster, Linda  
Hunter, Bruce  
Martin, Mary  
Philbrook, Paula  
White, John

Bergeron, Normand  
Drabinowicz, A. Theresa  
Gotham, Rita  
Jean, Claudette  
Melcher, Harold  
Soucy, Donna

Buckley, Raymond  
Dwyer, Paul, Sr.  
Haettenschwiller, Alphonse  
Krochmal, Mark  
Messier, Irene  
Toomey, Kathryn

Cote, David  
Ferguson, Charles  
Hall, Betty  
Lefebvre, Roland  
O'Rourke, Joanne  
Turgeon, Roland

**MERRIMACK**

Adams, Stephen  
Dunn, Miriam  
Newland, Matthew  
Yeaton, Charles

Chandler, Charles  
Jacobson, Alf  
Rogers, Katherine

Daneault, Gabriel  
Moore, Carol  
Wallner, Mary Jane

DeStefano, Stephen  
Morrill, Olive  
Weeks, John, Jr.

**ROCKINGHAM**

Abbott, Dennis  
Kane, Cecelia  
McCarthy, John, Jr.  
Pantelakos, Laura  
Vaughn, Charles

Camm, Kevin  
Kelley, Jane  
McGovern, Cynthia  
Rubin, George

Clark, Martha  
Kobel, Rudolph  
McKinney, Betsy  
Simmons, John Anthony

Gorman, Donald  
Lupien, James  
Nowe, Ronald  
Splaine, James

**STRAFFORD**

Berube, Roger  
Grassie, Anne  
Loder, Suzanne  
Pelletier, Arthur  
Vincent, Francis

Brown, George  
Hemon, Roland  
Lundborn, Raymond  
Snyder, Clair  
Wheeler, Katherine

Chagnon, Ronald  
Hilliard, Dana  
Merrill, Amanda  
Sullivan, Henry  
Williams, Howard

DeChane, Marlene  
Knowles, William  
Merritt, Deborah  
Tessimond, Shane

**SULLIVAN**

Allison, David  
Whipple, Allen

Cloutier, John

Palmer, Lorraine

Stettenheim, Sandy

and Section 2, the Telecommunications Tax was adopted.

Reps. Fenton, Burnham and Wall did not vote and intended to vote nay.

Rep. Lozeau wished to be recorded against.

The question now being the adoption of Section 3, the Real Estate Transfer Tax.

**YEAS 225 - NAYS 101****YEAS 225****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Lawton, David  
Smith, Linda  
Ziegra, Alice

Boriso, Thomas  
Hurt, George  
Lawton, Robert  
Thomas, John

Dewhirst, Glenn  
Johnson, James  
Rice, Thomas, Jr.  
Turner, Robert

Golden, Paul  
Laffam, Robert  
Rosen, Ralph  
Wendelboe, Francine

**CARROLL**

Babson, David, Jr.  
Cooper, Kipp  
Kenney, Joseph

Beach, Mildred  
Dickinson, Howard, Jr.  
Lyman, L. Randy

Bradley, Jeb  
Foster, Robert  
Mock, Henry

Chandler, Gene  
Howard, Godfrey

**CHESHIRE**

Avery, Stephen  
Feuer, Joseph  
Metzger, Katherine

Burnham, Daniel  
Hunt, John  
Royce, H. Charles

Cole, Stacey  
Laurent, John  
Smith, Edwin

Delano, Robert  
Manning, Joseph  
Steere, Myron, III

**COOS**

Davis, Perley

Guay, Lawrence

Horton, Lynn

**GRAFTON**

Bean, Pamela  
Connolly, Steven  
Larson, Nils, Jr.  
Scanlan, David

Brown, Alson  
Eaton, Stephanie  
MacNeil, Allen  
Teschner, Douglass

Brown, Channing  
Hill, Richard  
Mirski, Paul  
Trelfa, Richard

Cobbin, Philip  
LaMott, Paul  
Phinney, William  
Williams, William, Jr.

**HILLSBOROUGH**

Ahern, Richard  
Andrews, Frederick  
Burke, M. Virginia  
Clegg, Robert, Jr.  
Durham, Susan  
Fenton, James  
Goulet, Maurice  
Herman, Keith  
Johnson, Lionel  
LaRose, Richard  
MacGillivray, Jeffrey  
McMahon, Donald  
O'Hearn, Jane  
Peters, Stanley  
Searles, Stanley, Sr.  
Sullens, Joan

Aksten, Cheryl  
Belvin, William  
Calawa, Leon, Jr.  
Cote, Peter  
Dyer, Merton  
Fields, Dennis  
Hallyburton, Margaret  
Holden, Carol  
Kane, Laura  
Legacy, Earl  
MacIntyre, Doris  
Mercer, Robert  
Packard, Bonnie  
Riley, Frances  
Showerman, Peter  
Taylor, Paul

Allen, W. Gordon  
Bridgewater, Charles  
Cepaitis, Elizabeth  
Dodge, Emma  
Dykstra, Leona  
Gagnon, Eugene  
Hansen, Herbert  
Holley, Sylvia  
Kurk, Neal  
Letendre, Evelyn  
Marcinkowski, Michael  
Milligan, Robert  
Pepino, Leo  
Sallada, Roland  
Soucy, Richard  
Thulander, O. Alan

Alukonis, David  
Brundige, Robert  
Chabot, Robert  
Dokmo, Cynthia  
Emerton, Lawrence, Sr.  
Gibson, John  
Hart, Nick  
Jean, Loren  
L'Heureux, Robert  
Luebker, Bernard  
McCarty, Winston  
Mittelman, David  
Perkins, Paul  
Sargent, Maxwell  
Streeter, Janice  
Wright, George

**MERRIMACK**

Barberia, Richard  
Chandler, Earle  
Hess, David  
Langer, Ray  
Nichols, Avis  
Whalley, Michael

Brown, Mary  
Chandler, John  
Holmes, Mary  
Little, Michael  
Patenaude, Amy  
Whittemore, James

Buessing, Marjorie  
Crowell, Peter  
Kennedy, Richard  
Lockwood, Robert  
Shaw, Randall  
Willis, Jack

Chandler, Charles  
Feuerstein, Martin  
Lamach, Bernard  
MacKay, James  
Warner, Richard

**ROCKINGHAM**

Aranda, M. Kathryn  
Belanger, Ronald  
Christie, Andrew, Jr.  
Cote, Patricia  
Dowd, Sandra  
Fesh, Robert  
Gage, Beverly  
Hawkins, Robert  
Hutchinson, Karen  
Klemm, Arthur, Jr.  
Magoon, Harold  
Morris, Debbie  
Raynowska, Bernard  
Senter, Merilyn  
Sytek, Donna  
Welch, David

Arndt, Janet  
Bishop, Franklin  
Clark, Vivian  
Crossman, Harold, Jr.  
Dowling, Patricia  
Flanagan, Natalie  
Gargiulo, Louis  
Haynes, Richard  
Johnson, Robert  
Kruse, Fred  
Malcolm, Ken  
Noyes, Richard  
Richards, David  
Stone, Joseph  
Sytek, John  
Weyler, Kenneth

Attar, Kevin  
Boucher, William  
Coes, Betsy  
Dodge, Robert  
Dunham, Vivian  
Flanders, David  
Gleason, John  
Henderson, Warren  
Katsakiores, George  
Langley, Jane  
McCarthy, John, Jr.  
Packard, Sherman  
Ross, James  
Stritch, C. Donald  
Tufts, J. Arthur  
Yennaco, Carol

Beaulieu, Jon  
Carson, Gregory  
Conroy, Janet  
Dolan, Richard  
Felch, Charles, Sr.  
Flanders, John, Sr.  
Goddard, Warren  
Hurst, Sharleene  
Katsakiores, Phyllis  
Lee, Rebecca  
McKinney, Betsy  
Putnam, Ed, II  
Sabella, Norma  
Syracusa, Anthony  
Weare, Everett

**STRAFFORD**

Douglass, Clyde  
Steadman, Frederick  
Wall, Janet

Dunlap, Patricia  
Torr, Ann  
Wasson, Richard

McKinley, Robert  
Torr, Franklin

Spear, Barbara  
Torr, Ralph

**SULLIVAN**

Behrens, Thomas  
Schotanus, Merle

Flint, Gordon  
Scott, Robert

Krueger, Richard

Lindblade, Eric

**NAYS 101****BELKNAP**

None

**CARROLL**

None

**CHESHIRE**

DePecol, Benjamin  
Riley, William

Kingsbury, H. Thayer  
Robertson, Timothy

Pratt, Irene  
Wollner, Robert

Richardson, Barbara

**COOS**

Coulombe, Henry  
St. Hilaire, Paul

Coulombe, Yvonne

Hawkinson, Marie

Mears, Edgar

**GRAFTON**

Below, Clifton  
Lovett, Sidney

Copenhaver, Marion  
Nordgren, Sharon

Crory, Elizabeth

Ham, Bonnie

**HILLSBOROUGH**

Arnold, Thomas, Jr.  
Champagne, Norma  
Drabinowicz, A. Theresa  
Gotham, Rita  
Jean, Claudette  
Martin, Mary  
Pappas, Marc  
Turgeon, Roland

Asselin, Robert  
Cote, David  
Dwyer, Paul, Sr.  
Haettenschwiller, Alphonse  
Kelley, Robert  
Melcher, Harold  
Philbrook, Paula  
White, Donald

Bergeron, Normand  
Daniels, Gary  
Ferguson, Charles  
Hall, Betty  
Krochmal, Mark  
Messier, Irene  
Soucy, Donna  
White, John

Buckley, Raymond  
Desmarais, Vivian  
Foster, Linda  
Hunter, Bruce  
Lefebvre, Roland  
O'Rourke, Joanne  
Toomey, Kathryn

**MERRIMACK**

Adams, Stephen  
Jacobson, Alf  
Rogers, Katherine

Daneault, Gabriel  
Moore, Carol  
Wallner, Mary Jane

DeStefano, Stephen  
Morrill, Olive  
Weeks, John, Jr.

Dunn, Miriam  
Newland, Matthew  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
Kane, Cecelia  
McGovern, Cynthia  
Simmons, John Anthony

Camm, Kevin  
Kelley, Jane  
Nowe, Ronald  
Splaine, James

Clark, Martha  
Kobel, Rudolph  
Pantelakos, Laura  
Vaughn, Charles

Gorman, Donald  
Lupien, James  
Rubin, George

**STRAFFORD**

Berube, Roger  
Grassie, Anne  
Loder, Suzanne  
Pelletier, Arthur  
Tessimond, Shane

Brown, George  
Hemon, Roland  
Lundborn, Raymond  
Reynolds, Charles  
Vincent, Francis

Chagnon, Ronald  
Hilliard, Dana  
Merrill, Amanda  
Snyder, Clair  
Wheeler, Katherine

DeChane, Marlene  
Knowles, William  
Merritt, Deborah  
Sullivan, Henry  
Williams, Howard

**SULLIVAN**

Allison, David  
Whipple, Allen

Cloutier, John

Palmer, Lorraine

Stettenheim, Sandy

and Section 3, the Real Estate Transfer Tax was adopted.  
Rep. Lozeau wished to be recorded against.

Section 4 was adopted.

Report adopted and ordered to third reading.

**HB 481-FN**, relative to funding the state fire academy from certain surcharges. **INEXPEDIENT TO LEGISLATE**

Rep. Arthur P. Klemm, Jr. for Finance: The bill as presented would establish a dedicated fund to be known as the fire academy fund. Approximately \$1,250,000 currently goes into the general fund from a \$2.00 surcharge on insurance companies who request a copy of a person's motor vehicle record. This bill proposes that this money be transferred to this dedicated fund. The committee felt that the funding for the academy as well as the Department of Safety should continue to go through the normal budgeting process. Vote 25-0.

Adopted.

**HB 558-FN-A**, requiring all nonprofit health insurers to pay the premium tax. **OUGHT TO PASS WITH AMENDMENT**

Rep. Neal M. Kurk for Finance: This bill, as amended, levels the playing field between competing commercial and nonprofit health insurers under the community rating system adopted through SB 711 last session. Both kinds of health insurers, as well as Delta Dental, are now subject to the 2% tax on insurance premiums. Fraternal organizations, self-insurers, municipalities and counties are excluded. The state's premiums are subject to the tax. The bill raises an additional \$12.8 million of unrestricted revenue in FY 97. Vote 24-0.

**Amendment (1712L)**

Amend the title of the bill by replacing it with the following:

**AN ACT**

requiring certain nonprofit health insurers and dental insurers  
to pay the premium tax.

Amend the bill by replacing all after the enacting clause with the following:

1 Medical Service Corporations; Premium Tax. Amend RSA 420:1 to read as follows:

420:1 Definitions. A medical service corporation is defined as a nonprofit sharing corporation without capital stock organized under the laws of the state for the purpose of establishing, maintaining, and operating a nonprofit medical service plan whereby medical service may be provided at the expense of said corporation by providers to subscribers to said plan under contract entitling such subscribers to certain medical service. A nonprofit medical service plan is any plan or arrangement operated by a medical service corporation under the provisions of this chapter, and whereby the expense of medical service to subscribers and other covered dependents is paid by the corporation to participating providers of such plans or arrangements. A subscriber is a person to whom a subscription certificate is issued by the corporation and which sets forth the kinds and extent of medical services for which the corporation is liable to make payment and which constitutes the contract between the subscriber and the corporation. A covered dependent is the spouse, an adult dependent, or a child or an adopted child of the subscriber who is named in the subscription certificate issued to the subscriber and with respect to whom appropriate premium is specified in the certificate. A participating provider is any physician, osteopath, dentist, chiropractor, podiatrist, or advanced registered nurse practitioner duly licensed to practice his profession in either the state of New Hampshire or the state of Vermont pursuant to the provisions of law in the state in which such provider practices, who agrees in writing with the corporation to perform services specified in the subscription certificates issued by the corporation and at such rates of compensation as shall be determined by its board of directors, and who agrees to abide by the bylaws, rules, and regulations of the corporation applicable to participating providers. Medical service includes all general and special health-related services and supplies as provided for in the subscription certificate. Every such corporation shall be governed by this chapter, relevant provisions of RSA 161-H, and all applicable provisions of title XXXVII wherein such corporations are specifically included [with the exception of the premium tax provisions]. *Except for payments made by the state of New Hampshire, nothing in this chapter shall be construed to levy any tax on premiums, fees-for-service, and other payments for health, dental, and employee benefit coverage from political subdivisions of the state of New Hampshire or from employees or retirees of such political subdivisions, either directly or indirectly.*

2 Nonprofit Service Corporations; Premium Tax. Amend RSA 420-A:15 to read as follows:  
 420-A:15 Taxation. Every corporation doing business pursuant to this chapter is hereby declared to be a nonprofit and benevolent organization and to be exempt from all taxes, except taxes on real property situate within this state, fees on motor vehicles registered in this state [and], fees prescribed by this chapter, *and the premium tax under RSA 400-A:32. Except for payments made by the state of New Hampshire no tax shall be levied on any premiums, fees-for-service and other payments for health, dental, and employee benefit coverages from political subdivisions of the state of New Hampshire, or from employees or retirees of such political subdivisions, either directly or indirectly. Nor shall any tax be levied on any revenues of such a corporation that are derived from any business of the corporation where the corporation has assumed no insurance risk and is providing administrative services, only.*

3 Health Maintenance Organizations; Premium Tax. Amend RSA 420-B:17 to read as follows:  
 420-B:17 Taxation. Every organization doing business pursuant to this chapter shall be subject to the premium tax requirements of RSA 400-A:31 and 32[, unless on application of the organization the commissioner determines its operation to be nonprofit in which case said organization shall be exempt from the payment of premium taxes]. *Except for payments made by the state of New Hampshire, no tax shall be levied on any premiums, fees-for-service and other payments for health, dental, and employee benefit coverages from political subdivisions of the state of New Hampshire or from employees or retirees of such political subdivisions, either directly or indirectly. Nor shall any tax be levied on any revenues of such an organization that are derived from any business of the organization where the organization has assumed no insurance risk and is providing administrative services, only.*

4 New Paragraph; Delta Dental Plan; Premium Tax. Amend RSA 420-F:1 by inserting after paragraph III the following new paragraph:

IV. Every organization doing business pursuant to this chapter shall be subject to the premium tax requirements of RSA 400-A:31 and RSA 400-A:32. Except for payments made by the state of New Hampshire, no tax shall be levied on any premiums, fees-for-service and other payments for dental benefit coverages from political subdivisions of the state of New Hampshire or from employees or retirees of such political subdivisions, either directly or indirectly. Nor shall any tax be levied on any revenues of such an organization that are derived from any business of the organization where the organization has assumed no insurance risk and is providing administrative services, only.

5 Effective Date. This act shall take effect January 1, 1996.

### AMENDED ANALYSIS

This bill subjects to the insurance premium tax certain premiums paid to nonprofit health organizations, medical service corporations, health maintenance organizations, and the Delta Dental Plan which would otherwise not be subject to the tax because of their status as nonprofit organizations.

Adopted.

Report adopted and ordered to third reading.

**HB 565-FN-L**, requiring the state to reimburse municipalities for a percentage of the costs of municipal services provided to state facilities and state university system property. RE-REFER TO COMMITTEE

Rep. Neal M. Kurk for Finance: The committee would like to consider this bill but needed more information on its financial impact than could be provided in the time available. Vote 21-4.

Adopted.

**HB 570-FN-A**, relative to the definition of restaurant for the purposes of the meals and rooms tax. INEXPEDIENT TO LEGISLATE

Rep. Roland A. Sallada for Finance: The committee found this bill Inexpedient to Legislate because the sponsor was not able to get all of the information he needed in a timely manner. The fiscal note said that, as the bill is written, state revenue will be reduced by \$11.5 million in 1996 and by \$11.7 million in 1997. Vote 20-5.

Adopted.



**HB 592-FN-A**, relative to pledges raised by the community development finance authority.  
**OUGHT TO PASS WITH AMENDMENT**

Rep. Donna M. Soucy for Finance: This bill as amended is the result of a compromise which balances the interest of those whose CDFA projects were approved prior to June 30, 1994, with the financial interest of the state. The amount of pledges eligible for BPT credits has been increased from \$10 million to \$16 million, and the period of eligibility has been extended from five to eight years. The \$2 million yearly cap has been retained. Those who have made pledges to projects which, for whatever reason, fail will not have their pledges reallocated nor will additional projects be approved. The bill has the potential to increase credits against the BPT, and thus reduce state revenue by an additional \$4.5 million spread equally over the three years beginning with 2000 A.D. Vote 24-1.

**Amendment (1516L)**

Amend the bill by replacing all after the enacting clause with the following:

I New Section; Community Development Finance Authority. Amend RSA 162-L by inserting after section 8 the following new section:

162-L:9 Community Development Finance Authority.

I. Notwithstanding the provisions of RSA 162-L:8, III(b) and (c), contributions received by the community development finance authority pursuant to RSA 162-L:8, III as a result of pledges made on or before June 30, 1994, shall only be eligible for the credit allowed in RSA 162-L:8 as authorized in this section.

II. All contributions must be received within 8 years after the pledge is made to be eligible for credit.

III. Contributions received by the authority as a result of pledges made on or before June 30, 1994, for which credit is to be taken shall not exceed \$2,000,000 in the state fiscal year ending June 30, 1995. Pledged contributions received by the authority in excess of \$2,000,000 in any state fiscal year ending on or after June 30, 1995, shall not be eligible for credit in such year but may be carried forward to the next succeeding fiscal year or years and shall be given priority in determining the total contributions eligible for credit in such year; provided that such excess pledged contributions shall not be carried forward after June 30, 2002. The total amount of contributions received under this paragraph which shall be eligible for credit during the 8-year period shall not exceed the total amount of pledges due as of June 30, 1994, as reported in the community development finance authority's independent auditor's report on the schedule of pledges dated October 5, 1994.

IV. No pledged contribution listed in the independent auditor's report that is unfulfilled shall be fulfilled by a contribution from a new contributor or by an additional contribution from a pledged contributor listed in said report. If any project or capacity grant identified in the independent auditor's report is suspended, cancelled or otherwise not completed, the amount of any unexpended or unused contribution made in fulfillment of the pledge for such project or capacity grant shall not be transferred to the account of or expended for any other project or capacity grant whether identified in the report or otherwise. The unexpended or unused portion of such contributions shall be returned to the contributor as soon as practicable.

V. Contributors whose contribution has been returned to them shall within 6 months of receipt of such returned contribution file an amended tax return for any tax for the tax period in which credit was taken with respect to such contribution and shall pay with such return the amount of any taxes not paid as a result of the taking of such credit. Contributors whose contribution has been returned to them and whose taxable business profits under RSA 77-A were reduced by reason of the deduction from their federal taxable income of such contribution shall file an amended business profits tax return for the tax period in which such reduction of their taxable business profits occurred and shall include the amount of the returned contribution as additional taxable business profits to the extent of the tax benefit from such reduction and shall pay any additional tax due. Interest as prescribed by RSA 21-J:28 shall be computed and paid on any tax due under this section from the original due date of the tax.

VI. The provisions of RSA 21-J:29, I(a) shall not apply to any assessment for tax, penalty or interest made with respect to paragraph V of this section.

VII. Any contribution not expended or used for the project or capacity grant for which it is identified and which is not returned to the contributor shall be transferred to the state treasurer

for the use of the state. Such transfer shall be made within 6 months of the date upon which such project or capacity grant is suspended, cancelled or the date upon which it is determined it will not be completed.

2 Effective Date. This act shall take effect July 1, 1995.

### AMENDED ANALYSIS

This bill allows a credit for all contributions pledged to the community development finance authority on or before June 30, 1994, over an 8-year period. Under current law the credit is limited to a total of \$10,000,000 over 5 years.

Adopted.

Report adopted and ordered to third reading.

**HB 595-FN**, repealing the 120-day statute of limitations for tax refunds or credit claims based on constitutional grounds. **INEXPEDIENT TO LEGISLATE**

Rep. Neal M. Kurk for Finance: Last year, the legislature enacted a 120-day limitation on filing appeals against state taxes on constitutional grounds. Under a recent U.S. Supreme Court decision that reversed a long-standing precedent, states may be required to repay prior years' taxes which are later determined to be unconstitutional. The potential liability this created is huge — billions of dollars in the case of California. To reduce exposure, the Court itself suggested states enact limitations like ours. If this bill were to pass, New Hampshire's potential liability under the present challenge to our interest and dividends tax would increase by \$50 million. The committee report of Inexpedient to Legislate eliminates this possibility. Vote 19-6.

Reps. Jacobson and Kennedy spoke against.

Rep. Kurk spoke in favor and yielded to questions.

Rep. Frances Riley spoke in favor.

On a division vote, 215 members having voted in the affirmative and 109 in the negative, the report was adopted.

**HB 651-FN-A**, extending the date for the submission of a river basin planning and assessment program by the department of environmental services and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merle W. Schotanus for Finance: This bill, as amended, appropriates \$25,000 and expands Department of Environmental Services' responsibilities to complete the very important statewide river basin planning and assessment programs for which planning was begun in 1993. The amendment legalizes the current title of the Upper Valley-Lake Sunapee Planning Commission. Vote 23-2.

### Amendment (1720L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

extending the date for the submission of a river basin planning and assessment program by the department of environmental services and making an appropriation therefor and relative to the Upper Valley Lake Sunapee Regional Planning Commission.

Amend the bill by replacing all after section 4 with the following:

5 Appropriation. The sum of \$25,000 is hereby appropriated to the department of environmental services for the biennium ending June 30, 1997, for the purposes of sections 1-4 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Name Change and Transfer of Authority. The Upper Valley Planning and Development Council, Inc., incorporated by 1963, 435 as amended by 1967, 547 and 1969, 593 shall be known as the Upper Valley Lake Sunapee Regional Planning Commission. All powers and duties of the Upper Valley Planning and Development Council relative to regional planning commissions under RSA 36:45-53 shall be transferred to the Upper Valley Lake Sunapee Regional Planning Commission. Notwithstanding RSA 36:46, the new commission shall continue as a regional planning commission governed by RSA 36:45-53. The commission shall have 12 months from the effective date of this section to bring its operation into full compliance with RSA 36:45-53, notwithstanding RSA 36:46.

7 Repeal. 1963, 435, as amended by 1967, 547 and 1969, 593, relative to the Upper Valley Planning and Development Council, is repealed.

8 Effective Date.

I. Sections 6 and 7 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill:

1. Expands the duties of the department of environmental services under the river basin planning and assessment program.

2. Extends the plan completion date to November 1, 1995.

3. Appropriates additional funds for the completion of the program.

4. Repeals the Upper Valley Planning and Development Council but transfers its regional planning duties to the Upper Valley Lake Sunapee Regional Planning Commission. The new commission has 12 months to bring the organization into compliance with state law governing regional planning commissions.

Adopted.

Report adopted and ordered to third reading.

### SPECIAL ORDER

Reps. Ann Torr and Buckley moved that the remainder of the day's calendar be made a Special Order for Thursday, March 16, 1995.

Adopted.

### RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 16, 1995 at 9:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 204**, exempting hospitals licensed by the state from certain provisions of the New Hampshire pharmacists and pharmacies statutes.

**HB 246**, requiring life insurance companies to review their records and notify beneficiaries in the event a policy becomes payable.

**HB 252**, requiring health insurers to provide coverage for nonprescription enteral formulas when medically necessary for the treatment of malabsorption.

**HB 425**, relative to hawkers and peddlers.

**HB 434**, prohibiting advance collection of interest on open-end consumer credit transactions and redefining certain loans.

**HB 435**, relative to first mortgage bankers and brokers.

**HB 653**, allowing the board of manufactured housing to adopt interim rules.

**HB 360**, relative to absentee voting.

**HB 409**, relative to absentee voter registration.

**HB 438**, establishing a committee to study early voting in New Hampshire.

**HB 440**, relative to same day voter registration at city, town, school district, and village district elections.

**HB 455**, relative to marking a straight ticket ballot.

**HB 244**, relative to refund anticipation loans and authorizing fees for such loans.

**HB 387**, relative to the rulemaking authority of commissioners of state departments.

**HB 454**, relative to the membership of the state board of auctioneers.

**HB 631**, designating the New Hampshire tartan.

**HB 572**, relative to the exemption for hospitals under the meals and rooms tax.

**HB 645**, prohibiting contracts between certain types of insurers and physicians from containing clauses limiting the liability of such insurers for actions of the physician for which the insurers might otherwise have liability.

**HB 406**, relative to community service under workers' compensation.

**HB 511-FN**, clarifying the department of labor's authority over third party administrators for workers' compensation.

**HB 596-FN-L**, relative to the use of compensatory time for municipal employees.

**HB 395**, relative to the jurisdiction of the zoning board of adjustment, the appeal of land use decisions, and the exhaustion of administrative remedies.

**HB 398-L**, relative to the membership and certain duties of heritage commissions, historic district commissions, and conservation commissions.

**HB 401**, establishing a committee to study payments in lieu of taxes for university system properties and certain state government operations which function as businesses open to the public.

**HB 490-FN-L**, requiring tax collectors to provide notice to a mortgagee prior to extermination of its rights in property by issuance of a tax deed.

**HB 613-FN**, relative to protection and control of certain highways.

**HB 258**, relative to recreational trails.

**HB 328**, relative to reconstruction, or repair of boathouses which are suitable for use as dwellings.

**HB 393-L**, relative to the approval by the division of water supply and pollution control of plans for sewage disposal systems.

**HJR 4**, urging the United States Congress and the United States Environmental Protection Agency to make certain changes in the Clean Air Act amendments which would enable states to better comply with the law.

**HB 304**, authorizing the use of electric motors on certain lakes and ponds.

**HB 341**, changing the procedure for the release of a security interest in a motor vehicle and establishing a committee to assess the feasibility of a paperless title system for motor vehicles.

**HB 161**, authorizing the executive director of fish and game to issue complimentary fishing permits to certain persons.

**HB 314-FN**, relative to wolf hybrids.

**HB 431**, relative to the bank commissioner's supervision of New Hampshire bank holding companies and out-of-state bank holding companies doing business in New Hampshire.

**HB 446**, relative to mental health care benefits within the HMO networks.

**HB 468**, relative to mutual savings banks.

**HB 576-FN**, relative to genetic testing.

**HB 235**, to establish new state representative districts for the city of Laconia.

**HB 358**, relative to surplus campaign contributions and reporting by political committees.

**HB 140**, relative to safe school zones.

**HB 418**, permitting a law enforcement officer to video and audio record certain communications after providing notification.

**HB 652-FN-L**, allowing criminal action after a juvenile offender's nineteenth birthday in certain circumstances, and making technical changes to the juvenile delinquency provisions.

**HB 470-FN**, relative to the state board's rulemaking authority and local district policy regarding situations involving manifest educational hardship.

**HB 295**, relative to the use of recycled oil.

**HB 350**, establishing a recycling market development steering committee.

**HB 573-FN-L**, including ferrets in the law requiring rabies vaccinations.

**HB 623**, expanding the membership of the state conservation committee.

**HB 105**, relative to amateur boxing.

**HB 326**, requiring that all governmental business be conducted in English.

**HB 442**, extending the temporary rates for the meals and rooms tax, telecommunications tax and real estate transfer tax through the biennium ending June 30, 1997.

**HB 558-FN-A**, requiring certain nonprofit health insurers and dental insurers to pay the premium tax.

**HB 592-FN-A**, relative to pledges raised by the community development finance authority.

**HB 651-FN-A**, extending the date for the submission of a river basin planning and assessment program by the department of environmental services and making an appropriation therefor and relative to the Upper Valley Lake Sunapee Regional Planning Commission.

Rep. Ann Torri moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 5:50 p.m.

RECESS

Rep. Laughlin moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 12

Thursday, March 16, 1995

The House assembled at 9:00 a.m., the hour to which it stood adjourned and was called to order by the Deputy Speaker.

Prayer was offered by Guest Chaplain, Reverend Beth Jenkins from the First Congregational Church in Manchester.

Wise and good God, hear our prayer for Your presence today. Work in the minds and hearts of these people of good will as they deliberate, question, learn and vote. May words be spoken in love and honesty and may they be received in charity. Let it be said years hence that God was moving in the decisions of this body, so wise and just were they. Amen.

Rep. Senter led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Nehring, Healy, Peyron, Franks, Trombly, Lovejoy and Linda Smith, the day, illness.

Reps. Lozeau, Kenney, William McCarthy, Mayhew, Doucette, Sargent, Hanlon, Channing Brown, Hilliard, Garguilo and Thomas Cain, the day, important business.

Rep. Charles Cote, the day, illness in the family.

### INTRODUCTION OF GUESTS

Fourth grade students and teacher, Cynthia Knowles, from the Seabrook Elementary School, guests of the Seabrook Delegation. Carole Dimeola and Sue Allaire, guests of Rep. David Scanlan. Phyllis Raynowska, guest of Rep. Raynowska. The Community School, guests of Rep. Cooper.

(Speaker Burns in the Chair)

### RESOLUTION

Their introduction having been approved by the Rules Committee:

Reps. Ann Torr and Buckley offer the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 3 and 59 through 61, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS

#### First, second reading and referral

**3-FN-A**, making supplemental appropriations for the fiscal year ending June 30, 1995, and relative to state revenues, payments, and fees. (C. Brown, Graf 14; Currier, Dist 7: Finance)

**HB 59-FN-L**, relative to children's services and pertaining to delinquent children, abused and neglected children, children in need of services, and financial responsibility for certain expenses. (A. Torr, Straf 12: Judiciary and Family Law)

**HB 60-FN**, relative to health care and pertaining to certificate of need requirements, the health care transition fund, the children's health plan, participation in the medicaid health insurance program, primary preventive health services, and medicaid and disability coverage, and repealing certain programs. (A. Torr, Straf 12: Health, Human Services and Elderly Affairs)

**HB 61-FN**, consolidating and reorganizing the pari-mutuel commission and sweepstakes commission into the racing and lottery commission. (A. Torr, Straf 12: Executive Departments and Administration)

The Rules Committee offered the following:

### SENATE CONCURRENT RESOLUTION NO. 3

adopting joint rules for the general court for the 1995-1996 sessions.

Be it resolved by the Senate, the House of Representatives concurring:

That the following joint rules be adopted for the 1996-1996 sessions:

1. The Committees on Rules of the Senate and the House shall meet jointly for the purpose of recommending joint rules to the Senate and House and such matters as may be referred to them by either or both bodies. Recommendations shall be approved by majority vote of each committee.

(a) For the purposes of convening the joint meetings of the Rules Committees of the Senate and the House and presiding over such meetings, the Chairman of Senate Rules shall serve as Chairman of the committees meeting jointly in the odd-numbered months, and the Chairman of House Rules in the even-numbered months.

(b) Prior to the second-year session, the Committees shall meet jointly for the purpose of recommending to the two bodies deadlines for the conduct and conclusion of the business of the second-year session. Each body may amend and shall approve these deadlines by majority vote on the first legislative day of the second-year session. The Committees shall issue a report of recommendations for second-year session deadlines to the membership of both bodies, conduct at least one public hearing thereon, and issue its final report of recommendations to the general membership not less than fifteen days prior to the first legislative day of the second-year session.

2. When a convention of the two bodies is to be formed, whether by a requirement of the Constitution, or by a vote or resolution of the two bodies, a message shall be sent from the House of Representatives to the Senate, giving notice when the House will meet the Senate in convention. As soon thereafter as reasonably possible, the Senate will attend in the House. The Speaker of the House shall be chairman of the convention, and shall state the reasons for forming the convention. When the House and Senate are thus formed in convention, the rules adopted as the rules of the House shall be considered the rules of the convention, so far as they may be deemed applicable, and the convention shall accordingly be governed thereby.

3. Messages shall be sent by such person or persons as each body may deem to be proper. Messages from either body shall be received from the other at all times, except when engaged in putting a question, in calling yeas and nays, or in counting the ballots. When a message shall be received from either body to the other, it shall be announced by the presiding officer.

4. While bills are on their passage between the two bodies, they shall be under the signature of the clerk of each body respectively.

5. There shall be no limitation on the type of legislation introduced in the first- or second-year sessions, except:

(a) No bill the subject matter of which is substantially similar to a bill which has been indefinitely postponed or made inexpedient to legislate in either body in the first-year session shall be admitted into the second-year session whether as a bill, an amendment, a committee of conference report or in any other manner; and

(b) No bill, joint or concurrent resolution, shall be introduced into either body for the second-year session unless

(1) The sponsor of such bill, joint or concurrent resolution, files the legislation by title and complete information on or after May 15, 1995, and before 5:00 p.m. on June 30, 1995 to the Office of Legislative Services, and the bill is fully prepared by said office for sign off prior to October 30, 1995; or

(2) The legislation is filed by a standing or statutory study committee which is the result of official work during the interim on or after November 1, 1995 and before 5:00 p.m. on November 10, 1995 to the Office of Legislative Services, and the bill is fully prepared by said office for sign off prior to December 1, 1995; or

(3) The legislation is approved for introduction by a majority of the Rules Committee in the body in which the legislation originates.

If the sponsor requests a redraft within the sign-off period, the sponsor shall sign the legislation for introduction within ten calendar days after the redraft has been mailed to the sponsor. No more than one redraft per LSR may be requested during the last ten days prior to the sign off deadline.

(c) During the first-year session, a standing committee of the non-originating body may report a bill or resolution with the recommendation that it "be re-referred for action in the second-year session."

(d) Action on any bill or resolution so re-referred by either body shall be taken in that body on or before January 11, 1996.

(e) Legislation returned from the non-originating body with an amendment shall not be re-referred to committee but shall have one of the following recommendations: concur, non-concur, non-concur and request a committee of conference. A recommendation of non-concur kills the legislation.

6. (a) Any bill or resolution which would have a fiscal impact on the revenues, expenditures, or fiscal liability of the state or any of its subdivisions shall not be introduced unless there is attached thereto a fiscal note prepared in accordance with the procedures stipulated in RSA 14:44-47.

(b) Any bill concerning state retirement systems shall not be introduced unless there is attached thereto a fiscal note based upon estimates obtained from a qualified and approved actuary as to total cost involved.

7. (a) Every bill repealing or modifying any act or statute shall refer to the same:

(1) If contained in the Revised Statutes Annotated, by the section and chapter.

(2) If not contained in the Revised Statutes Annotated, by the section and chapter and the session of the legislature when the same was passed expressed clearly with full reference to all amendments in sequence so that it shall not be necessary to refer to any other act or statute to ascertain its meaning.

(b) The title of every bill shall indicate, in brief and comprehensive form, the subject matter contained in the bill.

(c) Commencing with section 2, each section of the Operating Budget bill shall be annotated as to its source (i.e. Governor, House or Senate) and as to substantive amendments to such section. Such annotations shall be provided by the Legislative Budget Assistant and shall appear at the end of the actual section to which they apply.

(d) It shall be the duty of the presiding officer of each body of the legislature to require all such bills to be made in conformity with this rule, before putting any vote thereon, except to commit or amend.

8. (a) When a bill or resolution which shall have passed in one body is rejected in the other, notice thereof shall be given to the body in which the same has passed.

(b) After each body shall have adhered to its disagreement, a bill or resolution shall be considered lost.

9. Each body shall on request transmit to the other all papers, or copies thereof, on which any bill or resolution may be founded.

10. The schedule for the second-year session shall be the timetable adopted by both bodies following the procedure outlined in Joint Rule 1(b) and this schedule shall constitute Joint Rule 10 for the second-year session. In the first-year session, final action, excluding action on enrolled bills committee reports, shall be taken by each house on all bills and joint resolutions as follows:

(a) In the originating body:

(1) On those bills referred to the Finance Committee containing appropriations, or which raise or affect statutes raising revenue, including the budget and capital budget bills, no later than the first Thursday in April in 1995 (April 6).

(2) On all other bills, no later than the third Thursday in March in 1995 (March 16).

(b) In the non-originating body:

(1) On those referred to the Finance Committee containing appropriations, or which raise or affect statutes raising revenue, including the budget and capital budget bills, no later than the first Thursday in May in 1995 (May 4).

(2) On all other bills, no later than the second Thursday in May in 1995 (May 11).

None of the above limitations shall apply to the supplemental budget bill. If any bill or joint resolution is sent to committees of conference further action may be taken subsequent to the above dates by the House and Senate.

(c) Both bodies shall take final action on all Committee of Conference reports by the fifth Wednesday of May in 1995 (May 31).

(1) Reports of Committees of Conference shall be filed with the clerks of both bodies no later than 3:00 p.m. on the fourth Tuesday in May in 1995 (May 23).

The report on the Committee of Conference on the Budget Bill and the Capital Budget Bill shall be available on the fourth Thursday of May in 1995 (May 25).

(2) The report of the committee of conference on the Budget Bill shall contain a balanced budget for the biennium.

(d) All bills shall be submitted to the Governor for his signature no later than the first Monday in June in 1995 (June 5).

The Budget Bill shall be transmitted to the Governor within one hour of its receipt by the Secretary of State regardless of the actual time of day.

A supplemental budget for the second-year session must be introduced no later than the second Tuesday in January in 1996 (January 9). When each body adjourns it shall adjourn to the joint call of the President of the Senate and the Speaker of the House.

11. No bill which has been indefinitely postponed shall be admitted under color of amendment by a committee of conference or otherwise.

12. No bill, joint resolution, concurrent resolution or concurrent resolution amending the constitution shall be introduced in either body after the second Thursday in February in 1996 (February 8).

(a) Before any deadline established for passage of bills from the first body, Rule 12 may be suspended by a majority vote of the Rules Committee in either body.

Deadline dates for the second-year session shall be recommended by the Joint Rules Committee under Joint Rule 1(b).

(b) Subsequent to any deadline established for passage of bills from the first body, Rule 12 may be suspended by a majority vote of the Rules Committee in the body in which the bill originates. Any such legislation approved by the Rules Committee of either body shall be exempt from the deadlines established by joint rules except that final action on any such bill, including action on any reports of committees of conference, shall be taken no later than (to be determined), and any such bill shall be sent to the Governor for his signature no later than (to be determined).

13. There shall be a committee in each body for the purpose of enrolling bills. All bills that have passed both bodies shall be delivered to the enrolled bills committee in each body. A member of each committee shall carefully examine each bill, enroll it, and report it, on behalf of the committee, to the respective body. If the examination of a bill shall disclose any clerical error or formal imperfection, it shall be reported back to each body with such identical amendments as are required to correct the same; and any measures so reported shall be subjected to amendment in those particulars and in no other respect. After enrollment in both bodies, all bills shall be signed by the President of the Senate and the Speaker of the House of Representatives.

14. A public hearing on any bill may be held jointly by the Senate and House committees. The Speaker or President of the body in which the bill originates may request the President or Speaker of the other body to authorize the appropriate committee of that other body to sit at a joint public hearing. Joint hearings in no way preclude the bill being reheard by the committee of either body. Presiding over the hearings shall be the chairman of the committee calling for the joint hearing or his designee without regard as to whether a House or Senate bill is being heard. The Speaker or the President may authorize standing committees of their respective bodies to meet on non-legislative days as needed.

15. A bill or resolution may be recalled from the Governor at any time before it is signed by him, by the President of the Senate or the Speaker of the House, whichever body last had possession.

16. Concurrent Resolutions Proposing Constitutional Amendments. Proposed constitutional amendments shall be submitted as concurrent resolutions entitled: "Concurrent Resolution proposing a Constitutional Amendment Relating to \*\*," and with a resolving clause in the following form: "Be it Resolved by the (Senate) (House of Representatives) the (House of Representatives) (Senate) concurring that the Constitution of New Hampshire be amended as follows:" Concurrent resolutions proposing a constitutional amendment shall truly propose to amend or supplement the Constitution and contain only subject matter which genuinely belongs in the fundamental law of the state: it being the intention of this rule to exclude therefrom all subject matter which is legislative in nature and all amendments for the primary purpose of obtaining a popular referendum. Each concurrent resolution shall set forth the text of the new matter to be inserted in the Constitution and also the text of a question summarizing the amendment, to appear on the ballot proposing such constitutional amendment. The General Court shall specify the particular election at which such question is to be submitted to the voters, and shall state whether it is to appear on the regular or a separate ballot. All such concurrent resolutions shall be read a first and second time by title and referred to the appropriate standing committee for public hearing and report. Amendments to such a resolution shall be in order while the measure is still on second reading. On the question of ordering such a resolution to third reading and on the question of final passage, the President and Speaker shall require a division vote unless a roll call is recorded under



the rules and completed. Adoption of either of said questions shall require a vote of three-fifths of the entire membership of each house. In case of disagreement between the two bodies, such concurrent resolutions shall be subject to the usual conference committee procedure. Such concurrent resolution, if adopted by the required constitutional majority of each body, shall be enrolled in the usual form and signed by the Speaker and the President, and shall be submitted to the Secretary of State for appropriate action and for submission to the voters. Such concurrent resolutions shall be made a part of the permanent legislative records.

17. All hearings on a concurrent resolution proposing a constitutional amendment may be held jointly as provided under Joint Rule 14 by the appropriate standing committees of the Senate and House provided that in the event the resolution is amended in the first body and the second body chooses to have a second hearing this too may be joint. The committee vote on the resolution shall be by each committee, not by the committees jointly, and passage in final form shall be completed by both bodies not later than a date to be set (date to be determined) of the calendar year in which the resolution was introduced. After said date no further action may be taken by either body on the resolution provided that if the opinion of the attorney general or an advisory opinion from the supreme court states that, the form of the question in the resolution needs to be amended, the two bodies may amend the resolution in such particular only by affirmative vote of no less than three-fifths of the entire membership of each body taken on division or roll call vote. A motion to so amend shall be in order in either body, notwithstanding any other rule to the contrary, at any time prior to the prorogation of the assembly of that General Court.

18. Any bill making an appropriation for the administration, operation and maintenance of any department or departments for each or any fiscal year of the biennium (the Budget Bill) or a bill making general appropriations for the cost of land, public improvements and other capital outlays, itemized by specific projects or classes of projects of the same general character (the Capital Budget Bill) shall be introduced into the House no later than the third Thursday in March (March 16).

19. Committees of Conference.

(a) Whenever there be any disagreement between the Senate and the House on the content of any bill or resolution, and whenever both bodies, voting separately, have agreed to establish a committee of conference, the President of the Senate shall appoint three members to the Senate conference committee on the bill and the Speaker of the House shall appoint four members to the House conference committee. Exceptions: (1) the House committee of conference on the operating budget shall consist of five members; (2) the number of the members of the committees of conference on any bill may increase or decrease if the President and the Speaker both agree. The two committees of conference on a bill shall meet jointly but vote separately while in conference. A unanimous vote by both committees of conference shall be necessary for an agreed report to the Senate and the House by the committees of conference.

(b) The first-named person from the body where the bill or resolution in disagreement originated shall have the authority to call the time and place for the first meeting of the committees of conference on said bill.

(c) The first-named person on a committee of conference shall be the chairman of that conference. The chairman of the committee of conference of the body where the bill or resolution in disagreement originated shall chair the joint meeting of the committees of conference.

(d) No action shall be taken in either body on any committee of conference report earlier than some subsequent day, after the report has been delivered to the seats or placed on a member's desk. A committee of conference may neither change the title of any bill submitted to it nor add amendments which are not germane to the subject matter of the bill as originally submitted to it.

(e) Conference Committees on Budget Bills. The report of each committee of conference on either the general appropriation bill, or the capital improvements bill shall be printed in the journal or a supplement thereto of the appropriate body before action on said report is taken on the floor. Non-germane amendments, sections and footnotes to such bills (except footnotes in explanation of the principal text of such bills or designating the use or restriction of any funds or portions thereof) are prohibited and shall not be allowed under any circumstances. Notwithstanding the general provisions of paragraph (h) of this section, the Conference Committee on general appropriations bill may propose new items for inclusion in said bill but no such item may be so included unless and until it shall have been returned to both the Senate and the House and adopted in identical form by a majority vote in each body.

(f) When both committees of conference on a concurrent resolution proposing an amendment to the constitution have agreed, the committee of conference from the body which acceded to a request for committees of conference shall file its report with the clerk of that body who shall print it in full in the journal or supplement of that body. The report shall be made a special order of business at the late session of a subsequent day. After said report has been adopted by the first body, a message shall be transmitted to the second body which shall then act upon the report of its committee of conference.

(g) A sponsor of any bill or joint resolution referred to committees of conference shall, upon his request, be granted a hearing before said committees prior to action thereon.

(h) No member of a committee of conference shall sign any report that contains non-germane amendments or subject matter that has been indefinitely postponed in either body. For the purposes of this rule, a non-germane amendment would be any subject matter not contained in either the House or the Senate version of the bill.

20. No Joint Rule, except rule 12, shall be suspended unless two-thirds of the members present, in each house, voting separately, vote in favor thereof.

21. Members of both houses may sponsor legislation jointly. Proposed legislation will be titled House Bill or Senate Bill according to the first named sponsor. On such jointly sponsored legislation, the approval of up to five House members and up to five Senators shall be sufficient for the introduction of any bill, joint resolution, CACR, or bill of intent. If more than five House members and/or more than five Senators wish to be sponsors, the first named House/Senate member on the bill shall determine the names of the four House/Senate co-sponsors whose signatures are required for introduction. Other House/Senate members may be added as co-sponsors by notifying their respective clerks prior to the date of the first public hearing on the proposal, and their names shall be recorded in the appropriate permanent journal of that session.

22. Clarification of Legislative days. Legislative days are figured in each body independently based on the actual days that either body has been in session. Neither body may extend a legislative day for more than twenty-four hours after midnight of the calendar day of the legislative day involved, except for the purposes of enrolling or introduction of bills.

23. (a) First-Year Session. Any legislation not disposed of by any other motion in the first-year session by midnight on July 1 of the first-year session shall be indefinitely postponed for the remainder of the biennium.

Legislation re-referred to Committee shall be exempt from the provisions of Joint Rule 23(a).

Legislation sent to the Courts for an opinion by either body shall be exempt from any deadline established by Joint Rules.

(1) Bills and resolutions substantially similar to bills and resolutions re-referred in the first-year session shall not be reintroduced during the second-year session. The presiding officer shall determine whether any bill or resolution introduced into the second-year session is substantially similar to a bill or resolution re-referred in the first-year session.

(b) Second-Year Session. Consideration of all legislation introduced on or before July 1 of the second-year session shall be terminated at midnight on July 1 of the second-year session and any bill not acted upon by this date and time shall be indefinitely postponed for the purposes of the 1995-1996 regular session of the General Court. If after July 1 of the second-year session the two bodies of the General Court are called into session by joint action of the two presiding officers, any legislation considered shall be limited to matters not indefinitely postponed on or before July 1 of the second-year session. Such new legislation may come before the General Court with the approval of three-fifths of the Rules Committees of both bodies, voting separately, or of two-thirds of the members of both bodies, voting separately. Any new legislation so introduced shall be exempt from the joint rules for time limitations for action on legislation in both bodies and in any committee thereof.

24. Membership on study committees created by session laws shall be limited to members of the General Court.

Rep. David Scanlan spoke in favor and yielded to questions.

On a division vote, 178 members having voted in the affirmative and 116 in the negative, the resolution was adopted.

## COMMITTEE REPORTS REGULAR CALENDAR

**HB 339**, relative to death with dignity for certain persons suffering from a terminal condition. RE-REFER TO COMMITTEE

Rep. Nick Hart for Judiciary and Family Law: This bill brings out the necessity of some process or method to take better care of our terminally ill. The committee voted 12 to 6 not to kill this bill. By a 15-3 vote the committee felt further study might bring out some other vehicles to help persons suffering from a terminal condition. Vote 15-3.

Rep. Goddard spoke against.

Rep. Guest spoke in favor.

Rep. Goddard requested a roll call; sufficiently seconded. The question being the adoption of the report.

## YEAS 266 - NAYS 51

### YEAS 266

#### BELKNAP

Bartlett, Gordon  
Johnson, James  
Thomas, John

Boriso, Thomas  
Lawton, David  
Turner, Robert

Holbrook, Robert  
Lawton, Robert  
Wendelboe, Francine

Hurt, George  
Rosen, Ralph  
Ziegra, Alice

#### CARROLL

Babson, David, Jr.  
Cooper, Kipp  
Lyman, L. Randy

Beach, Mildred  
Dickinson, Howard, Jr.  
Mock, Henry

Bradley, Jeb  
Foster, Robert  
Patten, Betsey

Chandler, Gene  
Howard, Godfrey

#### CHESHIRE

Avery, Stephen  
DePecol, Benjamin  
Kingsbury, H. Thayer  
Pratt, Irene  
Royce, H. Charles

Burnham, Daniel  
Delano, Robert  
Manning, Joseph  
Richardson, Barbara  
Russell, Ronald

Champagne, Richard  
Feuer, Joseph  
McNamara, Wanda  
Riley, William  
Smith, Edwin

Cole, Stacey  
Hunt, John  
Metzger, Katherine  
Robertson, Timothy  
Steere, Myron, III

#### COOS

Davis, Perley  
Mears, Edgar

Guay, Lawrence  
Merrill, Gerald

Hawkinson, Marie  
Pratt, Leighton

Horton, Lynn  
St. Hilaire, Paul

#### GRAFTON

Bean, Pamela  
Connolly, Steven  
Ham, Bonnie  
MacNeil, Allen  
Teschner, Douglass

Below, Clifton  
Copenhaver, Marion  
Hill, Richard  
Nordgren, Sharon  
Trelfa, Richard

Brown, Alson  
Crory, Elizabeth  
Larson, Nils, Jr.  
Phinney, William  
Tucker, John

Chase, Paul, Jr.  
Guest, Robert  
Lovett, Sidney  
Scanlan, David  
Williams, William, Jr.

#### HILLSBOROUGH

Ahern, Richard  
Andrews, Frederick  
Belvin, William  
Buckley, Raymond  
Clegg, Robert, Jr.  
Dokmo, Cynthia  
Fenton, James  
Haettenschwiller, Alphonse  
Hart, Nick  
Hunter, Bruce  
Kelley, Robert  
Legacy, Earl  
Marcinkowski, Michael  
Milligan, Robert  
Perkins, Paul  
Sallada, Roland  
Streeter, Janice  
Toomey, Kathryn  
White, John

Aksten, Cheryl  
Arnold, Thomas, Jr.  
Boutin, David  
Calawa, Leon, Jr.  
Cote, David  
Durham, Susan  
Ferguson, Charles  
Hall, Betty  
Herman, Keith  
Jean, Loren  
Kurk, Neal  
Letendre, Evelyn  
Melcher, Harold  
O'Hearn, Jane  
Peters, Stanley  
Searles, Stanley, Sr.  
Sullens, Joan  
Turgeon, Roland  
Wright, George

Allen, W. Gordon  
Asselin, Robert  
Bridgewater, Charles  
Chabot, Robert  
Cote, Peter  
Dyer, Merton  
Fields, Dennis  
Hallyburton, Margaret  
Holden, Carol  
Johnson, Lionel  
Laughlin, J. Francis  
MacGillivray, Jeffrey  
Mercer, Robert  
Packard, Bonnie  
Philbrook, Paula  
Showerman, Peter  
Taylor, Paul  
Wheeler, Craig

Alukonis, David  
Barry, Janet  
Brundige, Robert  
Champagne, Norma  
Dodge, Emma  
Emerton, Lawrence, Sr.  
Foster, Linda  
Hansen, Herbert  
Holt, David  
Kane, Laura  
Lefebvre, Roland  
MacIntyre, Doris  
Messier, Irene  
Pappas, Marc  
Reidy, Frank  
Soucy, Donna  
Thulander, O. Alan  
White, Donald

**MERRIMACK**

Brown, Mary  
Crosby, Toni  
Feuerstein, Martin  
Langer, Ray  
Nichols, Avis  
Rogers, Katherine  
Weeks, John, Jr.

Buessing, Marjorie  
Daneault, Gabriel  
Hess, David  
Lockwood, Robert  
Owen, Derek  
Shaw, Randall  
Whalley, Michael

Chandler, Earle  
DeStefano, Stephen  
Jacobson, Alf  
Moore, Carol  
Patenaude, Amy  
Wallner, Mary Jane  
Whittemore, James

Chandler, John  
Dunn, Miriam  
Lamach, Bernard  
Morrill, Olive  
Pitman, Mary Ellen  
Warner, Richard  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
Belanger, Ronald  
Clark, Martha  
Cote, Patricia  
Felch, Charles, Sr.  
Gleason, John  
Hurst, Sharleene  
Katsakiores, Phyllis  
Langley, Jane  
Nowe, Ronald  
Putnam, Ed, II  
Sabella, Norma  
Stone, Joseph  
Tufts, J. Arthur

Aranda, M. Kathryn  
Boucher, William  
Clark, Vivian  
Dolan, Richard  
Flanagan, Natalie  
Gorman, Donald  
Johnson, Robert  
Kelley, Jane  
Lee, Rebecca  
Noyes, Richard  
Raynowska, Bernard  
Scanlon, Edward  
Stritch, C. Donald  
Weare, Everett

Battles, Marjorie  
Camm, Kevin  
Coes, Betsy  
Dube, LeRoy  
Flanders, David  
Hawkins, Robert  
Kane, Cecelia  
Klemm, Arthur, Jr.  
Malcolm, Ken  
Pantelakos, Laura  
Ross, James  
Senter, Marilyn  
Syracusa, Anthony  
Weyler, Kenneth

Beaulieu, Jon  
Case, Margaret  
Conroy, Janet  
Dunham, Vivian  
Flanders, John, Sr.  
Henderson, Warren  
Katsakiores, George  
Kruse, Fred  
McKinney, Betsy  
Pratt, Katharin  
Rubin, George  
Splaine, James  
Sytek, Donna  
Yennaco, Carol

**STRAFFORD**

Brown, George  
Douglass, Clyde  
Hemon, Roland  
McKinley, Robert  
Reynolds, Charles  
Sullivan, Henry  
Vincent, Francis

Brown, Julie  
Dunlap, Patricia  
Keans, Sandra  
Merrill, Amanda  
Snyder, Clair  
Torr, Ann  
Wall, Janet

Chagnon, Ronald  
Grassie, Anne  
Knowles, William  
Merritt, Deborah  
Spear, Barbara  
Torr, Franklin  
Wheeler, Katherine

DeChane, Marlene  
Hambrick, Patricia  
Lundborn, Raymond  
Pelletier, Arthur  
Steadman, Frederick  
Torr, Ralph  
Williams, Howard

**SULLIVAN**

Adler, Rudolf  
Krueger, Richard  
Whipple, Allen

Allison, David  
Palmer, Lorraine

Behrens, Thomas  
Schotanus, Merle

Cloutier, John  
Stettenheim, Sandy

**NAYS 51****BELKNAP**

Golden, Paul

Laflam, Robert

Rice, Thomas, Jr.

**CARROLL****CHESHIRE****COOS**

Coulombe, Henry

Coulombe, Yvonne

**GRAFTON**

Cobbin, Philip

Mirski, Paul

**HILLSBOROUGH**

Bergeron, Normand  
Drabinowicz, A. Theresa  
Gagnon, Eugene

Burke, M. Virginia  
Dwyer, Paul, Sr.  
Gotham, Rita

Daniels, Gary  
Dykstra, Leona  
Goulet, Maurice

Desrosiers, William  
Francoeur, Gary  
Jean, Claudette

Kirby, Thomas  
Luebker, Bernard  
Riley, Frances

Krochmal, Mark  
McCarty, Winston  
Soucy, Richard

L'Heureux, Robert  
McMahon, Donald  
Worthen, Dorothy

LaRose, Richard  
Pepino, Leo

### MERRIMACK

Adams, Stephen

Barberia, Richard

Kennedy, Richard

Willis, Jack

### ROCKINGHAM

Arndt, Janet  
Fesh, Robert  
McCarthy, John, Jr.

Bishop, Franklin  
Goddard, Warren  
Morris, Debbie

Dodge, Robert  
Kobel, Rudolph  
Sytek, John

Dowd, Sandra  
Magoon, Harold  
Welch, David

### STRAFFORD

Berube, Roger

Callaghan, Frank

Wasson, Richard

### SULLIVAN

Lindblade, Eric

and the report was adopted.

Rep. Mittleman did not vote and intended to vote yea.

Rep. Lozeau wished to be recorded in favor.

**HB 589-FN**, excluding convicted felons from serving on juries. MAJORITY: RE-REFER TO COMMITTEE. MINORITY: INEXPEDIENT TO LEGISLATE.

Reps. David T. Mittelman Julie M. Brown for the Majority of Judiciary and Family Law: This bill would prohibit a felon, whose conviction has not been annulled, from serving on a jury. The committee is concerned about two conflicting principles: the role of felons in our society and the integrity of the jury system. The majority of the committee would like further time to study these issues as well as the scope and application of this bill. Vote 10-8.

Reps. Sandra Balomenos Keans and Irene A. Pratt for the Minority of Judiciary and Family Law: There are several reasons that the minority believes this bill needs no further study: 1) acts that are felonies today may not be tomorrow; 2) too many minor acts such as someone hitting another with a stick can be charged as felonies; 3) the N.H. Constitution; 4) the opportunity to sit on juries is a basic premise of American citizenship; 5) attorneys have the opportunity to question prospective jurors; 6) finally and fundamentally once you have served your time you should have your rights restored to full citizenship.

Majority report adopted.

**HB 593-FN**, requiring the supreme court and the attorney general to release all confidential and nonconfidential materials relative to former Judge John C. Fairbanks and requesting the Nevada attorney general to release all confidential and nonconfidential materials on former Judge Fairbanks. OUGHT TO PASS WITH AMENDMENT

Rep. Alf E. Jacobson for Judiciary and Family Law: The Fairbanks issue has generated wide public interest with the result that there have been continuing requests for more information as to how the process worked with the Professional Conduct Committee of the New Hampshire Supreme Court. During the course of the hearing on HB 593 the office of the Attorney General reported that its files in the case, except those that are required by statute to be confidential, are open for public inspection. This bill requests that the file of the Professional Conduct Committee also be open. The amendment strikes Section II of the bill and changes "shall" to "requests" in Section I. The Committee intends to offer a motion to table the bill and then introduce a resolution on the House floor to encourage the Supreme Court to release these files. Vote 17-0.

### Amendment (1714L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

requesting the supreme court and the attorney general to  
release all confidential and nonconfidential materials  
relative to former Judge John C. Fairbanks.

Amend the bill by replacing all after the enacting clause with the following:

1 Request to Release Confidential Materials. The supreme court's Professional Conduct Committee and Judicial Conduct Committee and the attorney general are requested to release forthwith all confidential and nonconfidential materials in the possession of the state court system or the department of justice which relate to former Judge John C. Fairbanks, upon request of any member of the public.

2 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill requests the supreme court's Professional Conduct Committee and Judicial Conduct Committee and the attorney general to release all confidential and nonconfidential materials relative to Judge Fairbanks, upon request of any member of the public.

Adopted.

Rep. Jacobson spoke in favor.

### LAID ON THE TABLE

Rep. Lockwood moved that **HB 593-FN**, requesting the supreme court and the attorney general to release all confidential and nonconfidential materials relative to former Judge John C. Fairbanks, be laid on the table.

Adopted.

### HOUSE RESOLUTION NO. 16

requesting the supreme court to release all confidential and nonconfidential materials relative to the late John C. Fairbanks.

Whereas, there was filed in the house **HB 593-FN**, an act requiring the supreme court and the attorney general to release all confidential and nonconfidential materials relative to former Judge John C. Fairbanks and requesting the Nevada attorney general to release all confidential and nonconfidential materials on former Judge Fairbanks; and

Whereas, the supreme court has issued its decision in *Petition of Peter Hoe Burling*, Case No. SMC-94-014, denying said petition to release for public inspection any and all professional conduct files as may be in existence regarding the late John C. Fairbanks; and

Whereas, in said decision, the supreme court recognized certain confidentiality privileges applicable to Professional Conduct Committee proceedings, to wit, privileges: (a) To protect the reputation of an attorney; (b) To protect the anonymity of complainants; and (c) To maintain the integrity of pending committee investigations; and

Whereas, the late John C. Fairbanks waived his confidentiality interest when he placed his reputation as an attorney in issue by his misconduct; which resulted in multiple indictments; and in addition, lost whatever privilege of confidentiality he had at his demise; and

Whereas, only the supreme court and the Professional Conduct Committee know the identities of the complainants against the late John C. Fairbanks; and

Whereas, the supreme court has the responsibility of overseeing the New Hampshire state bar generally and the task of supervising and disciplining attorneys within the state bar in particular; and

Whereas, the Fairbanks affair involved attorney misconduct so extensive in scope and degree, affected so many clients, and involved the misappropriation of such tremendous amounts of monies as to be unprecedented in the history of New Hampshire; and

Whereas, because of its scope and depth, the number of clients victimized, the amount of funds misappropriated, and the person, public and professional standing and judicial office held by the late John C. Fairbanks, the Fairbanks affair has engendered public suspicion, whether warranted or not, that he may have received special and deferential treatment by the Professional Conduct Committee; and

Whereas, the aforesaid facts when coupled with the facts that the late John C. Fairbanks was subject to criminal indictment, had fled the jurisdiction, had taken on a fake identity, and, finally, had died under an assumed name in Las Vegas after more than 4 years as a fugitive from justice, has created public concern and challenged public confidence in the supervision of the state bar generally, and in the actions of the Professional Conduct Committee in particular, in the Fairbanks case; and

Whereas, since the Fairbanks affair, the judiciary and the general court have taken a number of steps, including the enactment of RSA 548:5-a, to ensure that similar misconduct does not occur in the future; and

Whereas, the flight from justice, extended fugitive status and ultimate suicide of the late John C. Fairbanks prevented the public criminal prosecution of, and full professional disciplinary proceedings against, Fairbanks which would, had they occurred, have resulted in the public dissemination and disclosure of the material facts and circumstances of the Fairbanks affair; and

Whereas, all of the above facts and circumstances render the Fairbanks affair truly unique and unprecedented in the history of New Hampshire; and

Whereas, because of the unique and unprecedented nature of the Fairbanks affair, public disclosure of these records and proceedings would not impugn or otherwise adversely impact the integrity of pending grievance committee investigations; and

Whereas, the supreme court has asserted in its decision in the Petition of Peter Hoe Burling that it "possesses the inherent authority to compel the [Professional Conduct] Committee to disclose disciplinary records"; and

Whereas, it is in the best interest of the administration of justice to fully restore public confidence and respect in the oversight of the state bar generally, and in the Professional Conduct Committee's handling and investigation of the John C. Fairbanks affair in particular;

Now, therefore, be it

Resolved by the House of Representatives

That the supreme court, through the Professional Conduct Committee or otherwise; be encouraged to:

(a) Request a waiver of their confidentiality privileges from all persons who may be considered complainants against the late John C. Fairbanks; and

(b) Request a waiver of the confidentiality privilege from the bar of the state of New Hampshire with respect to the Fairbanks proceedings; and

That the supreme court, either pursuant to the waivers thereby received or pursuant to its authority as asserted in the Petition of Peter Hoe Burling, be encouraged to order the release for public inspection of any and all professional conduct files as may be in existence regarding the late John C. Fairbanks, whether held by the court or the Professional Conduct Committee, except:

(a) The identities of any complainants who have not waived their confidentiality privilege; and

(b) Matters which, if discussed in public, would likely and substantially adversely affect the reputation of any living person other than a member of the supreme court, the Professional Conduct Committee or officers, employees or agents of the state of New Hampshire involved in the criminal and/or professional conduct investigations of the late John C. Fairbanks.

That the clerk of the House of Representatives transmit copies of this resolution to the justices of the supreme court.

Rep. Hess spoke in favor.

Adopted and ordered to third reading.

### REGULAR CALENDAR (Cont'd.)

**HB 404**, requiring certain investigations by the commissioner of labor to be confidential. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Arthur W. Smith for the Majority of Labor, Industrial and Rehabilitative Services: There are cases where employees are fired subsequent to filing a complaint concerning wages and hours with the labor commissioner. Not many employers like being investigated by the labor commissioner. Under present law, they may have access to any testimony provided by their employees. It is not difficult to imagine that the employer will seek a way to terminate the employee who complains instead of correcting the problem, therefore, confidentiality should be allowed in these circumstances. Vote 12-3.

Rep. Gary R. Francoeur for the Minority of Labor, Industrial and Rehabilitative Services: The intent was to keep the complainant's name confidential. However, as written, all records compiled by the labor commission would be confidential. This has created problems in other departments such as DCYS. We also feel that an employee is already protected under the Whistleblowers Protection Act.

**Amendment (1342L)**

Amend the title of the bill by replacing it with the following:

**AN ACT**

requiring certain employee interviews by the commissioner  
of labor to be confidential.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Commissioner of Labor Employee Interviews; Confidentiality Required.  
Amend RSA 275:51 by inserting after paragraph III the following new paragraph:

III-a. Records compiled pursuant to employee interviews under paragraphs II and III are confidential and not subject to disclosure by the department except that the commissioner may release such information to public officials when such information is necessary to perform their duties. If the commissioner determines that a person or employer has violated any provision of this subdivision or any rule adopted under this subdivision, that person or employer shall be provided with a report specifying the statute and rules that have been violated and a summary of supporting evidence.

**AMENDED ANALYSIS**

This bill requires employee interviews relative to the certain investigations by the commissioner of labor to be confidential except that the commissioner may release such information to public officials when such information is necessary to perform their duties.

Adopted.

Majority report adopted and ordered to third reading.

**HB 405, relative to the minimum wage law. OUGHT TO PASS WITH AMENDMENT**

Rep. Gary L. Daniels for Labor, Industrial and Rehabilitative Services: This bill repeals the minimum wage statutes referring to the wage board, which is no longer used. The minimum wage is now statutory. The amendment to this bill is 1643L. Vote 17-0.

**Amendment (1643L)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definition Added. Amend RSA 279:1 by inserting after paragraph X the following new paragraph:

XI. "Employer" shall include any individual, partnership, association, joint stock company, trust, corporation, limited liability company, the administrator or executor of the estate of a deceased individual, or the receiver, trustee, or successor of any of the same, employing any person.

2 Rulemaking Authority Modified. RSA 279:15 is repealed and reenacted to read as follows:  
279:15 Administrative Rules. The commissioner shall adopt rules under RSA 541-A for the purpose of carrying out the provisions of this chapter.

3 Wage Order Reference Removed. Amend RSA 279:27 to read as follows:

279:27 Records of Hours and Wages. Every employer of employees shall keep a true and accurate record of the hours worked by each, wages paid to each, and classification of employment when necessary, and shall furnish to the commissioner or [his] *the commissioner's* authorized representative upon demand a sworn statement of the same. Such records shall be open to inspection by the commissioner or [his] *the* authorized representative at any reasonable time. Every employer subject to a [minimum fair wage order or] statutory minimum wage [whether directory or mandatory] shall keep a copy of such [order or] statutory minimum wage posted in a conspicuous place in every establishment in which employees are employed. Employers shall be furnished copies of posters on request without charge.

4 Wage Order Reference Removed. Amend RSA 279:28, II to read as follows:

II. Any employer or the officer or agent of any corporation who pays or agrees to pay to any employee less than the rates applicable to such employee under [a mandatory minimum fair wage order or] *the* statutory minimum wage shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. Each week in any day of which such employee is paid less than the rate applicable to him under [a mandatory minimum fair wage order or] *the* statutory minimum wage and each employee so paid less shall constitute a separate offense.



5 Wage Order Reference Removed. Amend RSA 279:29 to read as follows:

279:29 Civil Actions. If any employee is paid by [his] *the* employer less than the minimum [fair] wage to which [he] *the employee* is entitled under [or by virtue of a mandatory minimum fair wage order or] *the* statutory minimum wage [he] *the employee* may recover in a civil action the full amount of such minimum wage less any amount actually paid to [him] *the employee* by the employer together with costs and such reasonable attorney's fees as may be allowed by the court, and any agreement between [him] *the employee* and [his] *the employee's* employer to work for less than [such mandatory minimum fair wage or] *the* statutory minimum wage shall be no defense to such action. At the request of any employee paid less than the minimum wage to which [he] *the employee* was entitled under [a mandatory order or] *the* statutory minimum wage the commissioner may take an assignment of such wage claim in trust for the assigning employee and may bring any legal action necessary to collect such claim, and the employer shall be required to pay the costs and such reasonable attorney's fees as may be allowed by the court.

6 New Section; Appeals. Amend RSA 279 by inserting after section 16 the following new section:

279:16-a Appeals. Except as otherwise provided by statute, any party aggrieved by a written decision of the commissioner may appeal such decision to the superior court not later than 20 days from the date thereof by petition setting forth that the decision is erroneous, in whole or in part, and specifying the grounds upon which the decision is claimed to be in error. Upon the filing of an appeal, the commissioner shall transfer to the court the record of the proceeding or a certified copy thereof. The scope of review by superior court shall be limited to questions of law, however, the court may consider newly discovered evidence. After hearing and upon consideration of the record, the court may affirm, vacate, or modify, in whole or in part, the decision of the commissioner or may remand the same to the commissioner for further findings. In the absence of a seasonable appeal, the decision and order shall be final.

7 Repeal. The following are repealed:

- I. RSA 279:1, II, relative to the definition of "wage board."
- II. RSA 279:1, VI relative to the definition of "an oppressive and unreasonable wage."
- III. RSA 279:1, VII, relative to the definition of "fair wage."
- IV. RSA 279:1, VIII, relative to the definition of "directory order."
- V. RSA 279:1, IX, relative to the definition of "a mandatory order."
- VI. RSA 279:2, relative to prohibition of substandard wages.
- VII. RSA 279:4, relative to investigations.
- VIII. RSA 279:5, relative to wage boards.
- IX. RSA 279:6, relative to board powers.
- X. RSA 279:7, relative to commissioner's duties.
- XI. RSA 279:8, 9 and 10, relative to wage board reports.
- XII. RSA 279:11, relative to special licenses.
- XIII. RSA 279:12, relative to non-observance of orders.
- XIV. RSA 279:13, relative to mandatory orders.
- XV. RSA 279:14, relative to modification of wage orders.
- XVI. RSA 279:16, relative to appeals.
- XVII. RSA 279:17, relative to appeal procedure.
- VIII. RSA 279:18, relative to certifying the record.
- XX. RSA 279:19, relative to hearings.
- XIX. RSA 279:20, costs against the commissioner.
- XX. RSA 279:21, VII, relative to nursing home employee overtime.
- XXII. RSA 279:26, relative to the application of federal labor standards.
- XXIII. RSA 279:28, I, relative to penalties.

8 Effective Date. This act shall take effect 60 days after its passage.  
Adopted.

Rep. Mears offered a floor amendment.

#### **Floor Amendment (1721L)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definition Added. Amend RSA 279:1 by inserting after paragraph X the following new paragraph:

XI. "Employer" shall include any individual, partnership, association, joint stock company, trust, corporation, limited liability company, the administrator or executor of the estate of a deceased individual, or the receiver, trustee, or successor of any of the same, employing any person.

2 Rulemaking Authority Modified. RSA 279:15 is repealed and reenacted to read as follows:

279:15 Administrative Rules. The commissioner shall adopt rules under RSA 541-A for the purpose of carrying out the provisions of this chapter.

3 Minimum Wage Increased. Amend the introductory paragraph of RSA 279:21 to read as follows:

279:21 Minimum Hourly Rate. Unless otherwise provided by statute, no person, firm or corporation shall employ any employee at an hourly rate lower than that set forth in the federal minimum wage law, as amended, or as follows, whichever is higher:

Date	Hourly Rate
January 1, 1987, to December 31, 1987	\$3.45
January 1, 1988, to December 31, 1988	\$3.55
January 1, 1989, to December 31, 1989	\$3.65
January 1, 1990, to December 31, 1990	\$3.75
January 1, 1991, to December 31, 1991	\$3.85
[On and after] January 1, 1992 to June 30, 1995	[\$3.95] \$4.25
July 1, 1995 to June 30, 1996	\$4.75
On or after July 1, 1996	\$5.25

The foregoing limitation shall in no way affect existing state coverage as defined herein. For purposes of determining whether an employee of a restaurant, hotel, motel, inn or cabin, who customarily and regularly receives more than \$20 a month in tips, is receiving the minimum hourly rate prescribed in this chapter, the amount paid such employee by [his] *the employer* shall be deemed to be increased on account of tips by an amount determined by the employer, but not by an amount in excess of 50 percent of the applicable minimum wage rate, except that in the case of an employee [who, either himself or acting through his] *or employee's* representative[,] *who* shows to the satisfaction of the commissioner that the actual amount of tips received by [him] *the employee* was less than the amount determined by the employer as the amount by which the wage paid [him] *the employee* was deemed to be increased under this paragraph, the amount paid such employee by [his] *the employer* shall be deemed to have been increased by such lesser amount. The limitations imposed hereby shall be subject to the following exceptions:

4 Wage Order Reference Removed. Amend RSA 279:27 to read as follows:

279:27 Records of Hours and Wages. Every employer of employees shall keep a true and accurate record of the hours worked by each, wages paid to each, and classification of employment when necessary, and shall furnish to the commissioner or [his] *the commissioner's* authorized representative upon demand a sworn statement of the same. Such records shall be open to inspection by the commissioner or [his] *the* authorized representative at any reasonable time. Every employer subject to a [minimum fair wage order or] statutory minimum wage [whether directory or mandatory] shall keep a copy of such [order or] statutory minimum wage posted in a conspicuous place in every establishment in which employees are employed. Employers shall be furnished copies of posters on request without charge.

5 Wage Order Reference Removed. Amend RSA 279:28, II to read as follows:

II. Any employer or the officer or agent of any corporation who pays or agrees to pay to any employee less than the rates applicable to such employee under [a mandatory minimum fair wage order or] *the* statutory minimum wage shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. Each week in any day of which such employee is paid less than the rate applicable to him under [a mandatory minimum fair wage order or] *the* statutory minimum wage and each employee so paid less shall constitute a separate offense.

6 Wage Order Reference Removed. Amend RSA 279:29 to read as follows:

279:29 Civil Actions. If any employee is paid by [his] *the employer* less than the minimum [fair] wage to which [he] *the employee* is entitled under [or by virtue of a mandatory minimum fair wage order or] *the* statutory minimum wage [he] *the employee* may recover in a civil action the full amount of such minimum wage less any amount actually paid to [him] *the employee* by the employer together with costs and such reasonable attorney's fees as may be allowed by the

court, and any agreement between [him] *the employee* and [his] *the employee's* employer to work for less than [such mandatory minimum fair wage or] *the* statutory minimum wage shall be no defense to such action. At the request of any employee paid less than the minimum wage to which [he] *the employee* was entitled under [a mandatory order or] *the* statutory minimum wage the commissioner may take an assignment of such wage claim in trust for the assigning employee and may bring any legal action necessary to collect such claim, and the employer shall be required to pay the costs and such reasonable attorney's fees as may be allowed by the court.

7 New Section; Appeals. Amend RSA 279 by inserting after section 16 the following new section:

279:16-a Appeals. Except as otherwise provided by statute, any party aggrieved by a written decision of the commissioner may appeal such decision to the superior court not later than 20 days from the date thereof by petition setting forth that the decision is erroneous, in whole or in part, and specifying the grounds upon which the decision is claimed to be in error. Upon the filing of an appeal, the commissioner shall transfer to the court the record of the proceeding or a certified copy thereof. The scope of review by superior court shall be limited to questions of law, however, the court may consider newly discovered evidence. After hearing and upon consideration of the record, the court may affirm, vacate, or modify, in whole or in part, the decision of the commissioner or may remand the same to the commissioner for further findings. In the absence of a seasonable appeal, the decision and order shall be final.

8 Repeal. The following are repealed:

I. RSA 279:1, II, relative to the definition of "wage board."

II. RSA 279:1, VI relative to the definition of "an oppressive and unreasonable wage."

III. RSA 279:1, VII, relative to the definition of "fair wage."

IV. RSA 279:1, VIII, relative to the definition of "directory order."

V. RSA 279:1, IX, relative to the definition of "a mandatory order."

VI. RSA 279:2, relative to prohibition of substandard wages.

VII. RSA 279:4, relative to investigations.

VIII. RSA 279:5, relative to wage boards.

IX. RSA 279:6, relative to board powers.

X. RSA 279:7, relative to commissioner's duties.

XI. RSA 279:8, 9 and 10, relative to wage board reports.

XII. RSA 279:11, relative to special licenses.

XIII. RSA 279:12, relative to non-observance of orders.

XIV. RSA 279:13, relative to mandatory orders.

XV. RSA 279:14, relative to modification of wage orders.

XVI. RSA 279:16, relative to appeals.

XVII. RSA 279:17, relative to appeal procedure.

XVIII. RSA 279:18, relative to certifying the record.

XX. RSA 279:19, relative to hearings.

XIX. RSA 279:20, costs against the commissioner.

XX. RSA 279:21, VII, relative to nursing home employee overtime.

XXII. RSA 279:26, relative to the application of federal labor standards.

XXIII. RSA 279:28, I, relative to penalties.

9 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill repeals state statutes prohibiting substandard wages.

This bill also increases the minimum wage.

Rep. Mears and St. Hilaire spoke in favor.

Rep. Daniels spoke against and yielded to questions.

Rep. Buckley spoke in favor and yielded to questions.

Rep. Hawkins spoke against.

Rep. Buckley requested a roll call; sufficiently seconded. The question being the adoption of the floor amendment.

**YEAS 112 - NAYS 219****YEAS 112****BELKNAP**

Golden, Paul

**CARROLL**

None

**CHESHIRE**Burnham, Daniel  
Kingsbury, H. Thayer  
Robertson, TimothyChampagne, Richard  
McGuirk, Paul  
Russell, RonaldDePecol, Benjamin  
Pratt, Irene  
Wollner, RobertDelano, Robert  
Richardson, Barbara**COOS**Coulombe, Henry  
Mears, EdgarCoulombe, Yvonne  
St. Hilaire, Paul

Davis, Perley

Hawkinson, Marie

**GRAFTON**Below, Clifton  
Guest, Robert  
Tucker, JohnConnolly, Steven  
Ham, BonnieCopenhaver, Marion  
Lovett, SidneyCrory, Elizabeth  
Nordgren, Sharon**HILLSBOROUGH**Ahern, Richard  
Brundige, Robert  
Cote, Peter  
Hall, Betty  
Kirby, Thomas  
Martin, Mary  
Soucy, Donna  
Turgeon, RolandAllen, W. Gordon  
Buckley, Raymond  
Drabinowicz, A. Theresa  
Jean, Claudette  
Laughlin, J. Francis  
Melcher, Harold  
Soucy, Richard  
Wheeler, CraigAsselin, Robert  
Champagne, Norma  
Fields, Dennis  
Johnson, Lionel  
Lefebvre, Roland  
Philbrook, Paula  
Taylor, Paul  
White, JohnBergeron, Normand  
Cote, David  
Haettenschwiller, Alphonse  
Kane, Laura  
Marcinkowski, Michael  
Reidy, Frank  
Toomey, Kathryn**MERRIMACK**Crosby, Toni  
Moore, Carol  
Rogers, KatherineDaneault, Gabriel  
Morrill, Olive  
Wallner, Mary JaneDunn, Miriam  
Newland, Matthew  
Yeaton, CharlesJacobson, Alf  
Owen, Derek**ROCKINGHAM**Abbott, Dennis  
Kane, Cecelia  
Lee, Rebecca  
Raynowska, Bernard  
Syracusa, AnthonyClark, Martha  
Kelley, Jane  
Magoon, Harold  
Sabella, NormaCoes, Betsy  
Kobel, Rudolph  
McGovern, Cynthia  
Splaine, JamesHurst, Sharleene  
Langley, Jane  
Pantelakos, Laura  
Stritch, C. Donald**STRAFFORD**Berube, Roger  
Grassie, Anne  
Knowles, William  
Merrill, Amanda  
Sullivan, Henry  
Williams, HowardBrown, George  
Hambrick, Patricia  
Loder, Suzanne  
Merritt, Deborah  
Torr, RalphCallaghan, Frank  
Hemon, Roland  
Lundborn, Raymond  
Pelletier, Arthur  
Wall, JanetChagnon, Ronald  
Keans, Sandra  
McCann, William, Jr.  
Snyder, Clair  
Wheeler, Katherine**SULLIVAN**Allison, David  
Whipple, Allen

Cloutier, John

Palmer, Lorraine

Stettenheim, Sandy

**NAYS 219****BELKNAP**Bartlett, Gordon  
Johnson, James  
Rice, Thomas, Jr.  
Wendelboe, FrancineBoriso, Thomas  
Lafiam, Robert  
Rosen, Ralph  
Ziegler, AliceHolbrook, Robert  
Lawton, David  
Thomas, JohnHurt, George  
Lawton, Robert  
Turner, Robert

**CARROLL**

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cooper, Kipp	Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey
Lyman, L. Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald

**CHESHIRE**

Avery, Stephen	Cole, Stacey	Feuer, Joseph	Hunt, John
Laurent, John	Manning, Joseph	McNamara, Wanda	Metzger, Katherine
Royce, H. Charles	Smith, Edwin	Steere, Myron, III	

**COOS**

Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
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**GRAFTON**

Adams, Carl	Bean, Pamela	Brown, Alson	Chase, Paul, Jr.
Cobbin, Philip	Hill, Richard	Larson, Nils, Jr.	MacNeil, Allen
Mirski, Paul	Phinney, William	Scanlan, David	Teschner, Douglass
Trelfa, Richard	Williams, William, Jr.		

**HILLSBOROUGH**

Aksten, Cheryl	Alukonis, David	Amidon, Eleanor	Andrews, Frederick
Arnold, Thomas, Jr.	Barry, Janet	Belvin, William	Boutin, David
Bridgewater, Charles	Burke, M. Virginia	Calawa, Leon, Jr.	Chabot, Robert
Clegg, Robert, Jr.	Daniels, Gary	Desrosiers, William	Dodge, Emma
Dokmo, Cynthia	Dyer, Merton	Dykstra, Leona	Emerton, Lawrence, Sr.
Fenton, James	Ferguson, Charles	Foster, Linda	Francœur, Gary
Gagnon, Eugene	Gotham, Rita	Goulet, Maurice	Hallyburton, Margaret
Hansen, Herbert	Hart, Nick	Herman, Keith	Holden, Carol
Holley, Sylvia	Holt, David	Hunter, Bruce	Jean, Loren
Kelley, Robert	Krochmal, Mark	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Legacy, Earl	Letendre, Evelyn	Luebker, Bernard
MacGillivray, Jeffrey	MacIntyre, Doris	McCarty, Winston	McMahon, Donald
Mercer, Robert	Messier, Irene	Milligan, Robert	Mittelman, David
Morello, Michael	O'Hearn, Jane	Packard, Bonnie	Pappas, Marc
Pepino, Leo	Perkins, Paul	Peters, Stanley	Riley, Frances
Sallada, Roland	Searles, Stanley, Sr.	Showerman, Peter	Streeter, Janice
Sullens, Joan	Thulander, O. Alan	Wells, Peter, Sr.	White, Donald
Worthen, Dorothy	Wright, George		

**MERRIMACK**

Adams, Stephen	Barberia, Richard	Brown, Mary	Buessing, Marjorie
Chandler, Earle	Chandler, John	DeStefano, Stephen	Feuerstein, Martin
Hess, David	Holmes, Mary	Kennedy, Richard	Lamach, Bernard
Langer, Ray	Lockwood, Robert	Nichols, Avis	Patenaude, Amy
Pfaff, Terence	Pitman, Mary Ellen	Shaw, Randall	Warner, Richard
Weeks, John, Jr.	Whalley, Michael	Whittemore, James	Willis, Jack

**ROCKINGHAM**

Aranda, M. Kathryn	Arndt, Janet	Battles, Marjorie	Beaulieu, Jon
Belanger, Ronald	Bishop, Franklin	Boucher, William	Camm, Kevin
Case, Margaret	Christie, Andrew, Jr.	Clark, Vivian	Conroy, Janet
Cote, Patricia	Crossman, Harold, Jr.	Dodge, Robert	Dolan, Richard
Dowd, Sandra	Dube, LeRoy	Dunham, Vivian	Fesh, Robert
Flanagan, Natalie	Flanders, David	Flanders, John, Sr.	Gleason, John
Goddard, Warren	Gorman, Donald	Hawkins, Robert	Henderson, Warren
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.
Kruse, Fred	Malcolm, Ken	McCarthy, John, Jr.	McKinney, Betsy

Morris, Debbie  
Pratt, Katharin  
Scanlon, Edward  
Sytek, Donna  
Weyler, Kenneth

Nowe, Ronald  
Putnam, Ed, II  
Senter, Marilyn  
Sytek, John  
Yennaco, Carol

Noyes, Richard  
Ross, James  
Smith, Arthur  
Tufts, J. Arthur

Packard, Sherman  
Rubin, George  
Stone, Joseph  
Welch, David

### STRAFFORD

Brown, Julie  
Reynolds, Charles  
Torr, Franklin

Douglass, Clyde  
Spear, Barbara  
Vincent, Francis

Dunlap, Patricia  
Steadman, Frederick  
Wasson, Richard

McKinley, Robert  
Torr, Ann

### SULLIVAN

Adler, Rudolf  
Schotanus, Merle

Behrens, Thomas

Krueger, Richard

Lindblade, Eric

and the floor amendment failed.

Rep. Lozeau wished to be recorded in favor.

Report adopted and ordered to third reading.

Rep. DeChane declared a conflict of interest and did not participate.

### SPECIAL ORDER

**HB 125**, making technical corrections and clarifications in the wiretapping and eavesdropping statutes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donna P. Sytek for Corrections and Criminal Justice: This bill, as amended, makes several technical changes in the wiretap chapter to allow the language of the statute to reflect modern communications technology. There are also two policy changes in the bill. The first equalizes the penalty for violations of the chapter so that an offense is a misdemeanor for any person whether or not he is a police officer. The second change expands the list of crimes for which a wiretap may be requested to include any felony. Vote 14-3.

#### Amendment (1696L)

Amend RSA 570-A:1, III as inserted by section 1 of the bill by replacing it with the following:

III. "Interception" means the acquisition of any telecommunication or oral communication, or the recording of any oral communication or of any oral content of telecommunication, through the use of an intercept device as defined in paragraph IV, provided that "interception" does not include:

(a) Acquisition of telecommunication by any person responding to a call at a subscriber location when the calling party consents to communication; or

(b) Acquisition of telecommunication by the subscriber or user in the ordinary course of its business in accordance with applicable provisions of common carrier rules and regulations as approved by the public utilities commission.

Amend RSA 570-A:2, II(b) and (c) as inserted by section 5 of the bill by replacing it with the following:

(b) An officer, employee, or agent of any communication common carrier to provide information, facilities, or technical assistance to an investigative or law enforcement officer who, pursuant to this chapter, is authorized to intercept a [wire] **telecommunication** or oral communication.

(c) Any law enforcement officer, when conducting investigations of or making arrests for offenses enumerated in this chapter **or any felony**, to carry [with him on his] **on such officer's** person an [electronic, mechanical or other] **intercept** device **as defined in RSA 570-A:1, IV(a)** which intercepts oral communications [and transmits such communications by radio].

Amend the bill by replacing section 6 with the following:

6 Authorization for Interception. Amend RSA 570-A:7 to read as follows:

570-A:7 Authorization for Interception of [Wire] **Telecommunications** or Oral Communications. The attorney general, deputy attorney general, [or] a county attorney[,], upon the written approval of the attorney general or deputy attorney general **in a specific instance, or an assistant attorney general who is designated in writing by the attorney general or deputy attorney general for a period not to exceed one year**, may apply to a judge of competent jurisdiction for

an order authorizing or approving the interception of [wire] **telecommunications** or oral communications, and such judge may grant, in conformity with RSA 570-A:9, an order authorizing or approving the interception of [wire] **telecommunication** or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offenses as to which the application is made, when such interception may provide, or has provided, evidence of [the commission of] organized crime, as defined in RSA 570-A:1, XI, or evidence of the commission of the offenses of homicide, kidnapping, gambling, theft as defined in RSA 637, corrupt practices as defined in RSA 640, criminal conduct in violation of the securities law, as defined in RSA 421-B:3, 421-B:4, 421-B:5, 421-B:19, and 421-B:24, criminal conduct in violation of the security takeover disclosure laws, as defined in RSA 421-A:3, 421-A:7, 421-A:8, 421-A:11, and 421-A:13, robbery as defined in RSA 636:1, arson as defined in RSA 634:1, hindering apprehension or prosecution as defined in RSA 642:3, tampering with witnesses and informants as defined in RSA 641:5, aggravated felonious sexual assault as defined in RSA 632-A:2, felonious sexual assault as defined in RSA 632-A:3, escape as defined in RSA 642:6, bail jumping as defined in RSA 642:8, dealing in narcotic drugs, marijuana, or other dangerous drugs, hazardous waste violations under RSA 147-A:4, 1, or any conspiracy to commit any of the foregoing offenses *or the commission of any felony*.

Amend section 15 of the bill by replacing it with the following:

15 Reference Changes.

I. Amend the following RSA provisions by replacing "wire or oral communication" with "telecommunication or oral communication": RSA 570-A:1, VII and X; 570-A:2, II(b); 570-A:3; 570-A:4; 570-A:6; 570-A:8; 570-A:9; 570-B; and 642:3, I(f).

II. Amend the following RSA provisions by replacing "wire communication" with "telecommunication": RSA 570-A:2, II(h) and II(i).

III. Amend the following RSA provisions by replacing "wire or oral communications" with "telecommunications or oral communications": RSA 570-A:3; 570-A:6; 570-A:8; 570-A:9; and 570-A:10.

Amend the bill by replacing all after section 16 with the following:

17 Effective Date. This act shall take effect 60 days after its passage.

Rep. Donna Sytek spoke against.

The amendment failed.

Rep. Donna Sytek offered a floor amendment.

**Floor Amendment (1823L)**

Amend RSA 570-A:1, III as inserted by section 1 of the bill by replacing it with the following:

III. "Interception" means the acquisition of any telecommunication or oral communication, or the recording of any oral communication or of any oral content of telecommunication, through the use of an intercept device as defined in paragraph IV, provided that "interception" does not include:

(a) Acquisition of telecommunication by any person responding to a call at a subscriber location when the calling party consents to communication; or

(b) Acquisition of telecommunication by the subscriber or user in the ordinary course of its business in accordance with applicable provisions of common carrier rules and regulations as approved by the public utilities commission.

Amend the bill by deleting sections 5 and 6 and renumbering sections 7-17 to read as 5-15, respectively.

Amend section 13 of the bill by replacing it with the following:

13 Reference Changes.

I. Amend the following RSA provisions by replacing "wire or oral communication" with "telecommunication or oral communication": RSA 570-A:1, VII and X; 570-A:2, II(b); 570-A:3; 570-A:4; 570-A:6; 570-A:8; 570-A:9; 570-B; and 642:3, I(f).

II. Amend the following RSA provisions by replacing "wire communication" with "telecommunication": RSA 570-A:2, II(h) and II(i).

III. Amend the following RSA provisions by replacing "wire or oral communications" with "telecommunications or oral communications": RSA 570-A:3; 570-A:6; 570-A:8; 570-A:9; and 570-A:10.

Amend the bill by replacing section 15 with the following:

15 Effective Date. This act shall take effect 60 days after its passage.

Rep. Donna Sytek spoke in favor.

Adopted.

Rep. DePecol offered a floor amendment.

### Floor Amendment (1803L)

Amend RSA 570-A:1, III as inserted by section 1 of the bill by replacing it with the following:

III. "Interception" means the acquisition of any telecommunication or oral communication, or the recording of any oral communication or of any oral content of telecommunication, through the use of an intercept device as defined in paragraph IV, provided that "interception" does not include:

(a) Acquisition of telecommunication by any person responding to a call at a subscriber location when the calling party consents to communication; or

(b) Acquisition of telecommunication by the subscriber or user in the ordinary course of its business in accordance with applicable provisions of common carrier rules and regulations as approved by the public utilities commission.

Amend RSA 570-A:2, II(b) and (c) as inserted by section 5 of the bill by replacing it with the following:

(b) An officer, employee, or agent of any communication common carrier to provide information, facilities, or technical assistance to an investigative or law enforcement officer who, pursuant to this chapter, is authorized to intercept a [wire] *telecommunication* or oral communication.

(c) Any law enforcement officer, when conducting investigations of or making arrests for offenses enumerated in this chapter *or any felony*, to carry [with him on his] *on such officer's* person an [electronic, mechanical or other] *intercept device as defined in RSA 570-A:1, IV(a)* which intercepts oral communications [and transmits such communications by radio].

Amend the bill by replacing section 6 with the following:

6 Authorization for Interception. Amend RSA 570-A:7 to read as follows:

570-A:7 Authorization for Interception of [Wire] *Telecommunications* or Oral Communications. The attorney general, deputy attorney general, [or] a county attorney[,], upon the written approval of the attorney general or deputy attorney general *in a specific instance, or an assistant attorney general who is designated in writing by the attorney general or deputy attorney general for a period not to exceed one year*, may apply to a judge of competent jurisdiction for an order authorizing or approving the interception of [wire] *telecommunications* or oral communications, and such judge may grant, in conformity with RSA 570-A:9, an order authorizing or approving the interception of [wire] *telecommunication* or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offenses as to which the application is made, when such interception may provide, or has provided, evidence of [the commission of] organized crime, as defined in RSA 570-A:1, XI, or evidence of the commission of the offenses of homicide, kidnapping, gambling, theft as defined in RSA 637, corrupt practices as defined in RSA 640, criminal conduct in violation of the securities law, as defined in RSA 421-B:3, 421-B:4, 421-B:5, 421-B:19, and 421-B:24, criminal conduct in violation of the security takeover disclosure laws, as defined in RSA 421-A:3, 421-A:7, 421-A:8, 421-A:11, and 421-A:13, robbery as defined in RSA 636:1, arson as defined in RSA 634:1, hindering apprehension or prosecution as defined in RSA 642:3, tampering with witnesses and informants as defined in RSA 641:5, aggravated felonious sexual assault as defined in RSA 632-A:2, felonious sexual assault as defined in RSA 632-A:3, escape as defined in RSA 642:6, bail jumping as defined in RSA 642:8, dealing in narcotic drugs, marijuana, or other dangerous drugs, hazardous waste violations under RSA 147-A:4, I, or any conspiracy to commit any of the foregoing offenses *or the commission of any felony*.

Amend the bill by replacing section 13 with the following:

13 Terminology Changed. Amend RSA 570-A:11 to read as follows:

570-A:11 Recovery of Civil Damages Authorized. Any person whose [wire] *telecommunication* or oral communication is intercepted, disclosed, or used in violation of this chapter shall have a civil cause of action against any person who intercepts, discloses, or uses, or procures any other person to intercept, disclose or use such communications, and be entitled to recover



from any such person: (a) actual damages but not less than liquidated damages computed at the rate of \$100 a day for each day of violation or \$1,000, whichever is higher; (b) punitive damages; and (c) a reasonable attorney's fee and other litigation costs reasonably incurred. Good faith reliance on a court order or on a representation made by the attorney general, deputy attorney general or a county attorney shall constitute a complete defense to any civil or criminal action brought under this chapter.

Amend the bill by replacing section 15 with the following:

**15 Reference Changes.**

I. Amend the following RSA provisions by replacing "wire or oral communication" with "telecommunication or oral communication": RSA 570-A:1, VII and X; 570-A:2, II(b); 570-A:3; 570-A:4; 570-A:6; 570-A:8; 570-A:9; 570-B; and 642:3, I(f).

II. Amend the following RSA provisions by replacing "wire communication" with "telecommunication": RSA 570-A:2, II(h) and II(i).

III. Amend the following RSA provisions by replacing "wire or oral communications" with "telecommunications or oral communications": RSA 570-A:3; 570-A:6; 570-A:8; 570-A:9; and 570-A:10.

Amend the bill by replacing all after section 16 with the following:

17 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill revises the wiretapping and eavesdropping statute by:

I. Modifying definitions.

II. Clarifying terms.

III. Removing superfluous repetitive laws.

IV. Amending gender-specific references to conform to the requirement of gender-neutral drafting under RSA 17-A:6.

Rep. DePecol spoke in favor and yielded to questions.

Rep. Donna Sytek spoke against and yielded to questions.

Rep. Donna Sytek moved Recommit to Committee and spoke in favor.

Reps. DePecol and Syracuse spoke against.

Rep. Keans spoke against and yielded to questions.

Rep. Ann Torr spoke in favor.

Rep. Ann Torr requested a roll call; sufficiently seconded. The question being the motion to Recommit to Committee.

### YEAS 223 - NAYS 119

#### YEAS 223

#### BELKNAP

Bartlett, Gordon  
Lafiam, Robert  
Rosen, Ralph  
Ziegler, Alice

Golden, Paul  
Lawton, David  
Thomas, John

Holbrook, Robert  
Lawton, Robert  
Turner, Robert

Johnson, James  
Rice, Thomas, Jr.  
Wendelboe, Francine

#### CARROLL

Babson, David, Jr.  
Cooper, Kipp  
Patten, Betsey

Beach, Mildred  
Howard, Godfrey  
Philbrick, Donald

Bradley, Jeb  
Lyman, L. Randy

Chandler, Gene  
Mock, Henry

#### CHESHIRE

Avery, Stephen  
Feuer, Joseph  
McNamara, Wanda

Champagne, Richard  
Hunt, John  
Metzger, Katherine

Cole, Stacey  
Laurent, John  
Royce, H. Charles

Delano, Robert  
Manning, Joseph  
Smith, Edwin

#### COOS

Coulombe, Yvonne  
Merrill, Gerald

Davis, Perley  
Pratt, Leighton

Guay, Lawrence

Horton, Lynn

**GRAFTON**

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Chase, Paul, Jr.	Cobbin, Philip	Ham, Bonnie	Hill, Richard
LaMott, Paul	Larson, Nils, Jr.	MacNeil, Allen	Mirski, Paul
Scanlan, David	Teschner, Douglass	Trelfa, Richard	Tucker, John

**HILLSBOROUGH**

Ahern, Richard	Aksten, Cheryl	Alukonis, David	Amidon, Eleanor
Andrews, Frederick	Arnold, Thomas, Jr.	Belvin, William	Boutin, David
Bridgewater, Charles	Burke, M. Virginia	Calawa, Leon, Jr.	Cepaitis, Elizabeth
Chabot, Robert	Champagne, Norma	Desrosiers, William	Dodge, Emma
Dokmo, Cynthia	Drabinowicz, A. Theresa	Durham, Susan	Dyer, Merton
Emerton, Lawrence, Sr.	Ferguson, Charles	Fields, Dennis	Foster, Linda
Gagnon, Eugene	Gotham, Rita	Haettenschwiller, Alphonse	Hallyburton, Margaret
Hansen, Herbert	Herman, Keith	Holden, Carol	Holley, Sylvia
Jean, Loren	Johnson, Lionel	Kane, Laura	Kelley, Robert
Kirby, Thomas	Krochmal, Mark	Kurk, Neal	LaRose, Richard
Laughlin, J. Francis	Lefebvre, Roland	Legacy, Earl	Letendre, Evelyn
Luebker, Bernard	MacGillivray, Jeffrey	MacIntyre, Doris	Martin, Mary
McCarty, Winston	McMahon, Donald	Melcher, Harold	Mercer, Robert
Mittelman, David	Morello, Michael	O'Hearn, Jane	Packard, Bonnie
Pappas, Marc	Peters, Stanley	Riley, Frances	Sallada, Roland
Searles, Stanley, Sr.	Showerman, Peter	Streeter, Janice	Sullens, Joan
Taylor, Paul	Thulander, O. Alan	Toomey, Kathryn	Turgeon, Roland
White, Donald	Worthen, Dorothy		

**MERRIMACK**

Adams, Stephen	Barberia, Richard	Brown, Mary	Buessing, Marjorie
Chandler, Earle	Chandler, John	Crosby, Toni	Feuerstein, Martin
Holmes, Mary	Jacobson, Alf	Kennedy, Richard	Lamach, Bernard
Lockwood, Robert	MacKay, James	Morrill, Olive	Nichols, Avis
Owen, Derek	Pfaff, Terence	Pitman, Mary Ellen	Shaw, Randall
Warner, Richard	Whalley, Michael	Whittemore, James	Willis, Jack

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Bishop, Franklin
Case, Margaret	Christie, Andrew, Jr.	Clark, Vivian	Conroy, Janet
Cole, Patricia	Dodge, Robert	Dolan, Richard	Dowd, Sandra
Dube, LeRoy	Dunham, Vivian	Fesh, Robert	Flanagan, Natalie
Flanders, David	Flanders, John, Sr.	Gage, Beverly	Gleason, John
Goddard, Warren	Gorman, Donald	Hawkins, Robert	Henderson, Warren
Hurst, Sharleene	Johnson, Robert	Katsakiores, George	Klemm, Arthur, Jr.
Kobel, Rudolph	Kruse, Fred	Langley, Jane	Lee, Rebecca
Magoon, Harold	Malcolm, Ken	McKinney, Betsy	Nowe, Ronald
Noyes, Richard	Pratt, Katharin	Putnam, Ed, II	Raynowska, Bernard
Richards, David	Ross, James	Sabella, Norma	Scanlon, Edward
Senter, Marilyn	Smith, Arthur	Stritch, C. Donald	Sytek, Donna
Sytek, John	Tufts, J. Arthur	Welch, David	Weyler, Kenneth
Yennaco, Carol			

**STRAFFORD**

Brown, George	Callaghan, Frank	Douglass, Clyde	Knowles, William
McKinley, Robert	Musler, George	Spear, Barbara	Steadman, Frederick
Sullivan, Henry	Torr, Ann	Torr, Franklin	Torr, Ralph
Wasson, Richard			

**SULLIVAN**

Adler, Rudolf	Behrens, Thomas	Cloutier, John	Lindblade, Eric
Palmer, Lorraine	Schotanus, Merle		

**NAYS 119****BELKNAP**

Boriso, Thomas

Dewhirst, Glenn

Hurt, George

**CARROLL**

Dickinson, Howard, Jr.

**CHESHIRE**

Burnham, Daniel

DePecol, Benjamin

Kingsbury, H. Thayer

Lynch, Margaret

McGuirk, Paul

Pratt, Irene

Richardson, Barbara

Riley, William

Robertson, Timothy

Russell, Ronald

Steere, Myron, III

Wollner, Robert

**COOS**

Bradley, Paula

Coulombe, Henry

Hawkinson, Marie

St. Hilaire, Paul

**GRAFTON**

Copenhaver, Marion

Crory, Elizabeth

Guest, Robert

Lovett, Sidney

Nordgren, Sharon

Phinney, William

Williams, William, Jr.

**HILLSBOROUGH**

Allen, W. Gordon

Asselin, Robert

Barry, Janet

Bergeron, Normand

Brundige, Robert

Buckley, Raymond

Clegg, Robert, Jr.

Clemons, Jane

Cote, David

Cote, Peter

Daniels, Gary

Dykstra, Leona

Fenton, James

Francoeur, Gary

Goulet, Maurice

Hall, Betty

Hart, Nick

Holt, David

Hunter, Bruce

Jean, Claudette

L'Heureux, Robert

Marcinkowski, Michael

Messier, Irene

Milligan, Robert

Pepino, Leo

Perkins, Paul

Philbrook, Paula

Reidy, Frank

Soucy, Donna

Soucy, Richard

Wells, Peter, Sr.

Wheeler, Craig

White, John

Wright, George

**MERRIMACK**

Daneault, Gabriel

DeStefano, Stephen

Dunn, Miriam

Hess, David

Langer, Ray

Moore, Carol

Newland, Matthew

Patenaude, Amy

Rogers, Katherine

Wallner, Mary Jane

Yeaton, Charles

**ROCKINGHAM**

Aranda, M. Kathryn

Battles, Marjorie

Belanger, Ronald

Boucher, William

Camm, Kevin

Clark, Martha

Coes, Betsy

Crossman, Harold, Jr.

Dowling, Patricia

Kane, Cecelia

Katsakiores, Phyllis

Kelley, Jane

McCarthy, John, Jr.

McGovern, Cynthia

Morris, Debbie

Packard, Sherman

Pantelakos, Laura

Rubin, George

Splaine, James

Stone, Joseph

Syracusa, Anthony

Vaughn, Charles

**STRAFFORD**

Berube, Roger

Brown, Julie

Chagnon, Ronald

DeChane, Marlene

Dunlap, Patricia

Grassie, Anne

Hambrick, Patricia

Hemon, Roland

Keans, Sandra

Loder, Suzanne

Lundborn, Raymond

McCann, William, Jr.

Merrill, Amanda

Merritt, Deborah

Pelletier, Arthur

Reynolds, Charles

Snyder, Clair

Vincent, Francis

Wall, Janet

Wheeler, Katherine

Williams, Howard

**SULLIVAN**

Allison, David

Krueger, Richard

Stettenheim, Sandy

Whipple, Allen

and the motion to Recommit to Committee was adopted.

Rep. Lozeau wished to be recorded in favor.

**REGULAR CALENDAR (Cont'd.)****HB 649-FN-L, relative to independent contractors under workers' compensation. OUGHT TO PASS WITH AMENDMENT**

Rep. Robert H. Turner for Labor, Industrial and Rehabilitative Services: This bill defines independent contractors with respect to private and public employees for the purpose of worker's compensation. The definition of "employee" is clarified: "Employee," with respect to private employment, means any person in the service of an employer under any express or implied, oral or written contract of hire and includes persons who regularly operate businesses or practice their trades, professions, or occupations, who perform services for pay for an employer, is presumed to be an employee. This presumption may be rebutted by proof that an individual meets all of the following criteria:

(A) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.

(B) The person has control and discretion over the means and manner of performance of the work in achieving the result of the work.

(C) The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this criterion does not prohibit the employer from reaching agreement with the person as to completion schedule, range of work hours and maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.

(D) The person holds himself or herself out to be in business for himself or herself.

(E) The person is not required to work exclusively for the employer. The following are exempted; qualified real estate broker or agent, direct seller, and real estate appraiser. "Employee", with respect to public employment shall not include any inmate of a county correctional facility who is, under RSA 651, required or allowed to work or perform services for which no significant remuneration is provided or any volunteer not covered by RSA 281-A:2. Further, this bill does not impact on the homeowner who hires residential employees in that these employees are covered under homeowners insurance endorsement policy covering workers' compensation and employee liability coverage for residential employees. Vote 12-1.

**Amendment (1651L)**

Amend the bill by replacing all after the enacting clause with the following:

1 Definition Clarified. Amend RSA 281-A:2, VI to read as follows:

VI.(a) "Employee", with respect to private employment, means any person in the service of an employer subject to the provisions of this chapter under any express or implied, oral or written contract of hire except a railroad employee engaged in interstate commerce whose rights are governed by the Federal Employers' Liability Act. If they elect to be personally covered by this chapter, "employee" includes persons who regularly operate businesses or practice their trades, professions, or occupations, whether individually, or in partnership, or association with other persons, whether or not they hire others as employees.

*(b)(I) Subject to the preceding subparagraph, any person, other than a direct seller or qualified real estate broker or agent or real estate appraiser, who performs services for pay for an employer, is presumed to be an employee. This presumption may be rebutted by proof that an individual meets all of the following criteria:*

*(A) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.*

*(B) The person has control and discretion over the means and manner of performance of the work in achieving the result of the work.*

*(C) The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this criterion does not prohibit the employer from reaching agreement with the person as to completion schedule, range of work hours and maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.*

(D) The person holds himself or herself out to be in business for himself or herself.

(E) The person is not required to work exclusively for the employer.

(2) For the purposes of this subparagraph, "qualified real estate broker or agent" means a person who is a licensed real estate broker or licensed real estate salesman duly licensed pursuant to RSA 331-A and whose remuneration as such is directly related to sales or other output including performance of services, rather than to the number of hours worked.

(3) For the purposes of this subparagraph, "direct seller" means a person:

(A) Engaged in selling or soliciting the sale of consumer products, services or intangibles to any buyer on a buy-sell basis, deposit-commission basis or any similar basis for resale by the buyer or any other person in the home or other than in a permanent retail establishment; or engaged in selling or soliciting the sale of consumer products, services or intangibles in the home or otherwise than in a permanent retail establishment; and

(B) Who receives substantially all remuneration as such in a direct relationship to sales or other output including the performance of services, rather than the number of hours worked and whose services are performed pursuant to a written contract with the person for whom the services are performed, which provides that the individual will not be treated as an employee for federal tax purposes.

(4) For the purposes of this subparagraph, "real estate appraiser" means a person who is a real estate appraiser and whose remuneration as such is by way of a fee and is directly related to services or other work product rather than to the number of hours worked.

2 New Subparagraph; Definition Clarified. Amend RSA 281-A:2, VII to read as follows:

VII.(a) "Employee", with respect to public employment, means:

[(a)](1) Any person in the service of an employer, as defined in RSA 281-A:2, IX, including members of the general court, under any express or implied contract of hire and every elected or appointed official or officer of the state or any political subdivision or agency thereof while performing official duties.

[(b)](2) Any person who is a call firefighter or special police officer, volunteer or auxiliary member of a fire or police department, ambulance or rescue service, or the state police, whether paid or not paid. For the purposes of this chapter, such a person shall be deemed to be an employee of the political subdivision of the state in which the department is organized.

[(c)](3) Any person who is a regularly enrolled volunteer member or trainee of the emergency management corps of this state as established under the state emergency management act. For the purposes of this chapter, such a person shall be deemed to be an employee of the state.

[(d)](4) Any person who fights a forest or other type of fire and who is either voluntarily under the direction of those authorized to give direction in the fighting of fires or who is under statutory compulsion to fight fires pursuant to RSA 224:11 and 12, or RSA 154:7, 8, and 9. For the purposes of this chapter, such a person shall be deemed to be an employee of the state with respect to fires fought under the provisions of RSA 224 and deemed to be an employee of the municipality in which the fire is fought with respect to fires fought under the provisions of RSA 154.

[(e)](5) Any person who assists in a search for or an attempted rescue or rescue of another pursuant to RSA 206:26, XII, after January 1, 1982, and who is voluntarily under the direction of those authorized to give direction in searching for or attempting to rescue or rescuing another. A person who assists in the search for or attempted rescue or rescue of another shall, solely for the purposes of this chapter and not otherwise, be deemed to be an employee of the state with respect to such activity. Any payments required to be made as a result of this paragraph shall be a charge against the general fund.

(b) "Employee", with respect to public employment shall not include any inmate of a county correctional facility who is, under RSA 651, required or allowed to work or perform services for which no significant remuneration is provided or any volunteer not covered under RSA 281-A:2, VII[(b)](a)(2) through [(e)] (5), who performs services for which no significant remuneration is provided.

(c) The provisions of RSA 281-A:2, VI(b)(1) through (4) shall also apply to this paragraph.

3 Reference Change. Amend RSA 281-A:15, II(b) to read as follows:

(b) Any paid or not paid employee as defined by RSA 281-A:2, VII[(d) or (e)] (a)(4) or (5).

4 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

Report adopted and ordered to third reading.

# **HB 436, relative to ethics guidelines for lobbyists. OUGHT TO PASS WITH AMENDMENT**

Rep. David M. Scanlan for Legislative Administration: The amendment replaces the bill with language that changes the way Ethics Committee Guidelines and Advisory Opinions are approved by the legislature. Any new guidelines and opinions would have to be approved by a majority vote of the House and Senate for them to become effective. Additionally, housekeeping language was added to clarify that if disciplinary action is required by any employee of the L.B.A. for an ethics violation, it would be handled by the Joint Committee on Legislative Facilities. Vote 13-0.

## **Amendment (1534L)**

Amend the title of the bill by replacing it with the following:

### **AN ACT**

relative to the duties of the legislative ethics committee.

Amend the bill by replacing all after the enacting clause with the following:

1 Duties of Legislative Ethics Committee; Approval of Guidelines and Advisory Opinions.

Amend RSA 14-B:3, II to read as follows:

II. Before guidelines and advisory opinions become effective, the committee shall distribute such guidelines and advisory opinions to the members of the senate and the house of representatives. Specific guidelines [or] *and* advisory opinions [may] *shall* be [repealed] *approved* by a majority vote of both houses [for] *within a period of* 3 legislative days after distribution *before they shall become effective.*

2 Legislative Ethics Committee; Complaint Procedure. Amend RSA 14-B:4, VI(d) to read as follows:

(d) There was improper conduct based upon clear and convincing evidence, and the improper conduct was of a serious nature so as to warrant formal disciplinary action by the general court in the case of a legislator or officer of the legislature, or formal disciplinary action by the joint committee on legislative facilities *or the fiscal committee of the general court as appropriate* in the case of an employee of the legislature. The committee shall submit to the speaker of the house and senate president in the case of a legislator or officer of the legislature, and to the joint committee on legislative facilities *or the fiscal committee of the general court as appropriate* in the case of an employee of the legislature, a summary report of the deliberations regarding the complaint and of its findings. The report shall contain any specific recommendations concerning disciplinary actions to be imposed. Such recommendations may include reprimand, censure, or expulsion. Before any disciplinary action may be taken against a legislator or against an officer of the legislature, the report shall be ratified by the legislator's or by the officer's respective body of the general court. In a case involving an employee of the legislature, the joint committee on legislative facilities *or the fiscal committee of the general court as appropriate* shall determine what disciplinary action shall be taken against the employee. In making its determination, the joint committee on legislative facilities *or the fiscal committee of the general court as appropriate* may use any of the specific recommendations concerning disciplinary actions which are contained in the report which it receives.

3 Effective Date. This act shall take effect 60 days after its passage.

## **AMENDED ANALYSIS**

This bill requires specific guidelines and advisory opinions which the legislative ethics committee issues and renders to be approved by a majority vote of the legislature before they become effective.

The bill also clarifies which legislative committee is to take disciplinary action against an employee of the legislature under RSA 14-B.

Rep. Shaw spoke against.

Rep. David Scanlan spoke in favor and yielded to questions.

Adopted.

## MOTION FOR INDEFINITE POSTPONEMENT

Rep. Newland moved that **HB 436**, relative to the duties of the legislative ethics committee, be indefinitely postponed and spoke in favor.

Rep. David Scanlan spoke against and yielded to questions.

Roll call request, not sufficiently seconded.

On a division vote, 120 members having voted in the affirmative and 214 in the negative, the motion for indefinite postponement failed.

Report adopted and ordered to third reading.

### **HB 340**, relative to electing certain county officers to 4-year rather than 2-year terms. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul A. McGuirk for Municipal and County Government: This legislation offers counties local option to elect five county officials (sheriff, county attorney, treasurer, register of probate, and register of deeds) to a four-year term versus two-year terms. The committee recognizes that this bill will not meet with universal approval. However, it makes good sense in the smaller counties. This is enabling legislation. Vote 17-0.

### **Amendment (1613L)**

Amend the bill by replacing all after the enacting clause with the following:

1 Electing County Attorney. Amend RSA 7:33 to read as follows:

7:33 Election; Vacancies. There shall be a county attorney for each county, who shall be a member of the New Hampshire bar, elected [biennially] *for either a 2-year term or for a 4-year term, as applicable*, by the inhabitants of the county. If the county attorney is absent at any term of court or unable to discharge the duties of the office, the superior court, acting as a body, shall appoint a county attorney, who shall be a member of the New Hampshire bar, for the time being and allow said appointee such compensation for his services as they think reasonable.

2 Appointment of Deputy Registers of Deeds. Amend RSA 478:2 to read as follows:

478:2 Deputy Registers. Registers of deeds may appoint deputies to perform the duties of their offices in cases of sickness or the temporary absence of the officer making the appointment. The appointment shall be made in writing, shall be approved by the bondsmen of the officer appointing and by the county commissioners, and shall be for a length of time not exceeding **2 or 4 years, as applicable**. The register of deeds shall be held responsible for any neglect or official misconduct of [his] *the* deputies. The deputy shall be qualified in the same manner as the *appointing* officer [appointing him]. The salaries of the deputies shall be paid by the county.

3 Appointment of Deputy Registers of Probate. Amend RSA 548:14 to read as follows:

548:14 Deputy Registers. Registers of probate may appoint deputies to perform the duties of their office in case of sickness or the temporary absence of the officer making the appointment. Such appointment shall be made in writing and shall be for a length of time not exceeding **2 or 4 years, as applicable**. The deputy shall be qualified in the same manner as the appointing officer.

4 New Section; Electing County Officers. Amend RSA 653 by inserting after section 1 the following new section:

653:1-a Elected for 4-year Term.

I. In a county which votes in the affirmative as provided in paragraph II, one or more of the following county officers shall be elected for a term of 4 years by the voters in the county:

- (a) One sheriff.
- (b) One county attorney.
- (c) One county treasurer.
- (d) One register of deeds.
- (e) One register of probate.

In such a county, the provisions of this section shall apply, and the provisions of RSA 653:1, V shall not apply.

II.(a) Upon the petition of 5 percent of the voters of any county filed with the secretary of state not more than 90 days nor less than 60 days before a state general election, the appropriate version of the following question shall be submitted to the voters of the county at that state general election: "Shall the provisions of RSA 653:1-a be adopted for county \_\_\_\_\_ (here insert name of county) in order to elect one or more of the following county officers for

a term of 4 years \_\_\_\_\_ (here insert one or more of the following county officers: sheriff, county attorney, county treasurer, register of deeds, register of probate)? RSA 653:1-a authorizes the voters of county \_\_\_\_\_ (here insert name of county) to elect one or more of the following county officers for 4-year terms: one sheriff, one county attorney, one county treasurer, one register of deeds, one register of probate. Each of these county officers is currently elected for a term of 2 years.

(b) If a majority of those voting vote "yes" on the question, the provisions of RSA 653:1-a shall apply in the county for the state general election next following the affirmative vote.

(c) The authority to vote to elect county officers to terms of 4 years shall first be in effect at the 1996 state general election.

III.(a) A county may consider rescinding its action in the manner described in paragraph II. The wording of the question shall be the same, except the work "adopted" shall be changed to "rescinded."

(b) If a majority of those voting on the question vote "yes" then as of the next state general election following the vote taken to rescind, the provisions of RSA 653:1-a shall not apply within the county.

5 Gender Neutral Language. Amend RSA 653:6 to read as follows:

653:6 Delegates to State Party Conventions. At every state primary election, the voters in each state representative district shall elect delegates to each state party convention in accordance with the districts laid out in RSA 662:6. In order to be elected as a delegate to a state party convention, a person shall be a registered voter of the same party in the district from which [he] *the person* is to be elected, and shall receive either a minimum of 10 votes or 10 percent of the votes cast in the district from which [he] *the person* is to be elected, whichever is less.

6 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

At the present time, all county officers, with the exception of certain county commissioners, are elected for terms of 2 years. Beginning with the 1996 election, this bill gives the voters in each county the authority to vote on whether the term of office should be increased to 4 years for the county attorney, the county sheriff, the county treasurer, the register of deeds, and the register of probate, or for any combination of these county officers.

Section 5 of the bill amends an RSA provision in accordance with RSA 17-A:6, relative to gender neutral drafting.

Rep. Behrens spoke against.

The amendment failed.

Rep. Behrens offered a floor amendment.

### Floor Amendment (1818L)

Amend the bill by replacing all after the enacting clause with the following:

1 Electing County Attorney. Amend RSA 7:33 to read as follows:

7:33 Election; Vacancies. There shall be a county attorney for each county, who shall be a member of the New Hampshire bar, elected [biennially] *for either a 2-year term or for a 4-year term, as applicable*, by the inhabitants of the county. If the county attorney is absent at any term of court or unable to discharge the duties of the office, the superior court, acting as a body, shall appoint a county attorney, who shall be a member of the New Hampshire bar, for the time being and allow said appointee such compensation for his services as they think reasonable.

2 Appointment of Deputy Registers of Deeds. Amend RSA 478:2 to read as follows:

478:2 Deputy Registers. Registers of deeds may appoint deputies to perform the duties of their offices in cases of sickness or the temporary absence of the officer making the appointment. The appointment shall be made in writing, shall be approved by the bondsmen of the officer appointing and by the county commissioners, and shall be for a length of time not exceeding *2 or 4* years, *as applicable*. The register of deeds shall be held responsible for any neglect or official misconduct of [his] *the* deputies. The deputy shall be qualified in the same manner as the *appointing* officer [appointing him]. The salaries of the deputies shall be paid by the county.

3 Appointment of Deputy Registers of Probate. Amend RSA 548:14 to read as follows:

548:14 Deputy Registers. Registers of probate may appoint deputies to perform the duties of their office in case of sickness or the temporary absence of the officer making the appointment.



Such appointment shall be made in writing and shall be for a length of time not exceeding 2 *or* 4 years, *as applicable*. The deputy shall be qualified in the same manner as the appointing officer.

4 New Section; Electing County Officers. Amend RSA 653 by inserting after section 1 the following new section:

653:1-a Elected for 4-year Term.

I. In a county in which the county convention votes in the affirmative as provided in paragraph II, one or more of the following county officers shall be elected for a term of 4 years by the voters in the county:

- (a) One sheriff.
- (b) One county attorney.
- (c) One county treasurer.
- (d) One register of deeds.
- (e) One register of probate.

In such a county, the provisions of this section shall apply, and the provisions of RSA 653:1, V shall not apply.

II.(a) Upon the calling of a further meeting of the county convention according to the provisions of RSA 24:9-c and RSA 24:9-d, the appropriate version of the following question shall be submitted to the members of the county convention at the meeting: "Shall the provisions of RSA 653:1-a be adopted for county \_\_\_\_\_ (here insert name of county) in order to elect one or more of the following county officers for a term of 4 years \_\_\_\_\_ (here insert one or more of the following county officers: sheriff, county attorney, county treasurer, register of deeds, register of probate)? RSA 653:1-a authorizes the voters of county \_\_\_\_\_ (here insert name of county) to elect one or more of the following county officers for 4-year terms: one sheriff, one county attorney, one county treasurer, one register of deeds, one register of probate. Each of these county officers is currently elected for a term of 2 years.

(b) If a majority of those county convention members voting vote "yes" on the question, the provisions of RSA 653:1-a shall apply in the county for the state general election next following the affirmative vote.

(c) The authority to vote to elect county officers to terms of 4 years shall first be in effect for the 1996 state general election.

III.(a) A county convention may consider rescinding its action in the manner described in paragraph II. The wording of the question shall be the same, except the word "adopted" shall be changed to "rescinded."

(b) If a majority of those county convention members voting on the question vote "yes" then as of the next state general election following the vote taken to rescind, the provisions of RSA 653:1-a shall not apply within the county.

5 Gender Neutral Language. Amend RSA 653:6 to read as follows:

653:6 Delegates to State Party Conventions. At every state primary election, the voters in each state representative district shall elect delegates to each state party convention in accordance with the districts laid out in RSA 662:6. In order to be elected as a delegate to a state party convention, a person shall be a registered voter of the same party in the district from which [he] *the person* is to be elected, and shall receive either a minimum of 10 votes or 10 percent of the votes cast in the district from which [he] *the person* is to be elected, whichever is less.

6 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

At the present time, all county officers, with the exception of certain county commissioners, are elected for terms of 2 years. Beginning with the 1996 election, this bill gives the members of the county convention in each county the authority to vote on whether the term of office should be increased to 4 years for the county attorney, the county sheriff, the county treasurer, the register of deeds, and the register of probate, or for any combination of these county officers.

Section 5 of the bill amends an RSA provision in accordance with RSA 17-A:6, relative to gender neutral drafting.

Rep. Behrens spoke in favor and yielded to questions.

Rep. Jacobson spoke against and yielded to questions.

The floor amendment failed.

All amendments having failed, the question was the adoption of the unamended bill.

Rep. Behrens spoke against.

The motion failed.

Rep. Behrens moved Re-refer to Committee and spoke in favor.

Rep. Henderson spoke against and yielded to questions.

Rep. Rice spoke in favor and yielded to questions.

Rep. Wendelboe spoke in favor.

On a division vote, 163 members having voted in the affirmative and 177 in the negative, the motion failed.

### INDEFINITE POSTPONEMENT

Rep. Guay moved that **HB 340**, relative to electing certain county officers to 4-year rather than 2-year terms, be indefinitely postponed.

Adopted.

### RECESS

#### (Speaker Burns in the Chair)

**HB 345-L**, allowing municipalities to vote to request payments in lieu of taxes from charitable organizations. RE-REFER TO COMMITTEE

Rep. Katherine H. Metzger for Municipal and County Government: The Committee received additional material in the form of an amendment which the Committee felt deserved review. Since the Committee felt that the bill was not workable but that this amendment might be, the Committee respectfully requests that it be re-referred for study. Vote 11-3.

Adopted.

**HB 390**, relative to the grandfathering of subdivisions and separate lots. OUGHT TO PASS WITH AMENDMENT

Rep. Linda T. Foster for Municipal and County Government: The committee believes the bill clarifies certain RSAs relating to planning that will facilitate the work of our volunteer planning boards. The majority feels that this bill does not expand the authority of a planning board, it helps to define what that authority is. Vote 10-6.

#### Amendment (1580L)

Amend RSA 674:39-a, II as inserted by section 12 of the bill by replacing it with the following:

II. No tract or parcel which was not held in such separate ownership at such time shall be separately transferred without subdivision approval, despite the existence of separate deed descriptions or prior unapproved plats or plans, except as provided in paragraph IV. The existence of a highway, right-of-way or other easement interest upon or through commonly-owned contiguous land shall not, without subdivision approval, be deemed to create separately transferable lots or parcels, except as provided in paragraphs I and IV; provided, however, that any parcel which is separated from all contiguous land in common ownership by a class V or better highway, and which complies in all respects with current zoning and subdivision regulations, may be separately transferred without subdivision approval.

Adopted.

Reps. Behrens and Linda Foster yielded to questions.

Rep. Laurent spoke in favor.

Report adopted and ordered to third reading.

Reps. Donna Sytek and John Sytek declared conflicts of interest and did not participate.

**HB 417**, relative to investments by town trustees. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. James R. MacKay for the Majority of Municipal and County Government: This bill simply allows the trustee or trustees of trust funds to utilize brokerage firms in addition to banks and their trust departments to assist communities in the management and investment of trust fund resources. They may also place securities in the nominee name of both banks and brokerage firms. Vote 13-4.

Reps. Marilyn A. Fraser, Allen L. Whipple, Norma Sabella and Robert M. Fesh for the Minority of the Municipal and County Government: This proposed legislation bypasses current local

control by allowing trustees of trust funds greater power. Trustees will be allowed to utilize brokers in addition to banks in management and investment of trust fund resources. This bill takes away the local option to control risk and insure safety of our investments.

#### Amendment (1662L)

Amend RSA 31:38-a, III as inserted by section 3 of the bill to read as follows:

III. Any trustee or trustees of trust funds authorized by this chapter may hire or employ the trust department or departments of a bank or banks *or a brokerage firm* to assist in the management and investment of trust fund resources or to provide bookkeeping services in connection therewith or to do both. They may also place securities in the nominee name of a trust department or departments *or a brokerage firm* to facilitate transfers for such securities. Trust fund records maintained by any bank *or brokerage firm* must be available at all times for examination by local auditors, by independent accountants or auditors retained by a municipality, or by the auditors of the department of revenue administration; and such records shall be municipal records and property.

Adopted.

Majority report adopted and ordered to third reading.

**HB 475-L**, enabling municipalities to create regional transit districts. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Norma A. Sabella for the Majority of Municipal and County Government: The committee agrees that regional transit is a viable concept. However, it was felt that the question of funding was not sufficiently addressed; that a regional transit system probably would not succeed in the rural areas of New Hampshire; that regional transit systems could better function as a private endeavor. Vote 10-6.

Reps. Linda T. Foster, Elizabeth A. Cepaitis, Allen L. Whipple, Marilyn A. Fraser, Thomas E.P. Rice, Jr., and Ed M. Putnam II for the Minority of Municipal and County Government: This permissive initiative which received no negative testimony and which requires no fiscal note addresses regional public transportation concerns by enabling municipalities to participate in a regional transit district. The minority believes that efficient and well-planned public transportation systems significantly and positively impact the economic and social viability of our state. This bill is far-reaching, far-sighted, and important bill that deserves passage.

Reps. Fuller Clark and Metzger spoke against.

The report failed.

Rep. Behrens moved Re-refer to Committee and spoke in favor.

Rep. Belvin spoke in favor.

Adopted.

**HB 588-FN-L**, relative to license fees for dogs and cats. OUGHT TO PASS WITH AMENDMENT

Rep. Robert W. Brundige for Municipal and County Government: This bill as amended encourages towns to designate fines forfeited for failure to license dogs for use relative to animal control. It also changes the time limit for violators to pay their fines from 96 hours to 15 days. Vote 13-4.

#### Amendment (1668L)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to a forfeiture for failure to license a dog.

Amend the bill by replacing all after the enacting clause with the following:

1 Gender Neutral. Amend RSA 466:4, III to read as follows:

III. Fees for dogs licensed in a commercial kennel shall be based on the numbers of dogs licensed, as in RSA 466:6 for group licenses. For purposes of this paragraph, "commercial kennel" means the establishment or domicile of any person who sells dogs at wholesale or retail; and, if retail, who sells or transfers 10 or more litters per year, or sells or transfers 50 or more puppies per year; or who derives 40 percent or more of [his] gross annual income from the sale or transfer of dogs. The owner or keeper of any dog licensed under this paragraph or RSA 466:6 shall not be assessed a companion animal population control fee.

2 Gender Neutral; 1997 Version. Amend RSA 466:4, III to read as follows:

III. Fees for dogs licensed in a commercial kennel shall be based on the numbers of dogs licensed, as in RSA 466:6 for group licenses. For purposes of this paragraph, "commercial kennel" means the establishment or domicile of any person who sells dogs at wholesale or retail; and, if retail, who sells or transfers 10 or more litters per year, or sells or transfers 50 or more puppies per year; or who derives 40 percent or more of [his] gross annual income from the sale or transfer of dogs.

3 Gender Neutral. Amend RSA 466:6, I to read as follows:

I. The owner or keeper of 5 or more dogs shall annually by April 30 pay the required fee and obtain a license authorizing [him] *the owner or keeper* to keep the dogs upon the premises described in the license, or off the premises while under [his] *such owner's or keeper's* control. Such owner or keeper shall not be required to obtain a "commercial kennel" license under RSA 466:4, III unless such person has a commercial kennel as defined under RSA 466:4, III.

4 Gender Neutral. Amend RSA 466:6, V to read as follows:

V. Upon request, an owner or keeper shall receive numbered license tags for each dog included under [his] *the owner's or keeper's* group license.

5 Gender Neutral. Amend RSA 466:6-a, V-a to read as follows:

V-a. The commissioner of the department of agriculture or [his] designee is hereby authorized on [his] *the commissioner's* own initiative or pursuant to complaints of other persons to investigate any complaints made pursuant to this section and to enforce the penalties of RSA 466:6-a, VI. The commissioner shall adopt rules under RSA 541-A relative to the procedures for such investigations.

6 Gender Neutral. Amend RSA 466:12 to read as follows:

466:12 Account. Each city and town treasurer shall keep an accurate and separate account of all moneys received and expended by [him] *such treasurer* under the provisions of this chapter relating to dogs *and cats*.

7 Forfeitures. Amend RSA 466:13 to read as follows:

466:13 Forfeiture. Whoever is the owner or keeper of a dog and who fails to license the dog pursuant to RSA 466:1 shall forfeit \$25 to the town or city clerk of the municipality in which the dog is kept. If the forfeiture is not made to the town or city clerk within [96 hours] *15 calendar days* of the notice of forfeiture, the case shall be disposed of in a district court or municipal court. This forfeiture shall not relieve the owner or keeper of the requirement of proper licensing of the dog as required by RSA 466:1. *This section shall also apply to cats, if the municipality licenses cats. Any forfeitures collected under this section may be retained by the city or town for the administration and enforcement of this chapter.*

8 Gender Neutral. Amend RSA 466:19 to read as follows:

466:19 Liability of Owner or Keeper. Any person to whom or to whose property, including sheep, lambs, fowl, or other domestic creatures, damage may be occasioned by a dog not owned or kept by [him] *such person* shall be entitled to recover [such damage of] *damages from* the person who owns [or], keeps, *or possesses* the dog, [or has it in his possession,] unless the damage was occasioned to [him while he] *a person who* was engaged in the commission of a trespass or other tort. A parent or guardian shall be liable under this section if the owner or keeper of the dog is a minor.

9 Gender Neutral. Amend RSA 466:21 to read as follows:

466:21 Liability of Towns or Cities. Any person whose sheep, lambs, fowls or other domestic creatures are killed, driven away, wounded or worried by dogs may recover of the town or city [wherein] *in which* such damage was done, in the manner [herein] provided *in this subdivision*, the amount of all damage thereby sustained by [him] *the person*, including the value of any creature so killed or lost, any depreciation in value of a creature so wounded or worried, and any other loss or expense to which [he] *such person* may be subjected by such killing, driving, wounding or worrying.

10 Gender Neutral. Amend RSA 466:22 to read as follows:

466:22 Procedure to Enforce. Any person entitled to recover under RSA 466:21 may present a statement of such damage to one of the selectmen of a town, or to the clerk, mayor or one of the aldermen of a city, and the selectmen or board of mayor and aldermen shall [thereupon] *then* make such investigation as they deem necessary to determine whether the damage was occa-

sioned by dogs and the amount [thereof] *of the damages* if so occasioned. If they are of opinion that the damage was so occasioned and that adequate recovery is not available from the owner of the dog or through insurance coverage, they shall award the claimant the amount of [his] *the damages* as found by them, and forthwith notify [him] *such claimant* of their award, and at the expiration of 60 days from such notice, if no action has been brought as hereinafter provided, they shall cause an order to be drawn in [his] *the claimant's* favor upon the town or city treasurer for the amount so awarded. If they are of opinion that the damage was not so occasioned or that adequate recovery is available from the owner of the dog or through insurance coverage, they shall forthwith notify the claimant of the disallowance of the claim. In the absence or sickness of the mayor, it shall be the duty of any one of the aldermen of the city, who may be duly informed of damage supposed to have been done by dogs, to discharge forthwith the duties imposed by this section upon the mayor.

11 Gender Neutral. Amend RSA 466:23 to read as follows:

466:23 Suit. If the selectmen or board of mayor and aldermen neglect to take final action regarding the claim, and to notify the claimant thereof within 60 days from its presentation, the claimant may thereafter, or if [he] *the claimant* is aggrieved by their action [he] *the claimant* may within 60 days after notice of such action, bring an action on the case against said town or city for the damages claimed [by him].

12 Gender Neutral. Amend RSA 466:24 to read as follows:

466:24 Costs. If such action is brought after an award in the claimant's favor by said selectmen or board, [he] *the claimant* shall not be entitled to costs unless [he] *the claimant* recovers an amount in excess of their award.

13 Gender Neutral. Amend RSA 466:28 to read as follows:

466:28 Killing Dogs Legalized. Any person may kill a dog that suddenly assaults [him] *the person* while [he] *such person* is peaceably walking or riding without the enclosure of its owner or keeper; and any person may kill a dog that is found out of the enclosure or immediate care of its owner or keeper worrying, wounding or killing sheep, lambs, fowl, or other domestic animals.

14 Gender Neutral. Amend RSA 466:29, II to read as follows:

II. The mayor or aldermen or selectmen may issue their warrant to one or more of the police officers of such city or town who shall, after 24 hours from the publication of the notice required under paragraph I, impound all dogs found running at large contrary to such order. The dog owner shall be notified, if [his] *the owner's* identity is known. Any dog impounded in accordance with this section who has been conclusively found to be rabid shall be destroyed in the most humane manner possible. After 7 consecutive days of impoundment, title of a dog shall pass to the facility holding the dog, unless the owner has claimed such dog. The owner of the dog shall be responsible for all costs associated with the impoundment of [his] *the dog* under this section.

15 Gender Neutral. Amend RSA 466:30 to read as follows:

466:30 Special Notice. The mayor and aldermen or selectmen may cause special service of any order issued under RSA 466:29 to be made upon any person, requiring that a dog owned or kept by [him] *the person* shall be muzzled or restrained from running at large, by causing a certified copy of the order to be delivered to [him] *such person*. If [he] *the person* refuses or neglects to comply within 12 hours, [he] shall be fined not more than \$25.

16 Gender Neutral. Amend RSA 466:31, III to read as follows:

III. Any person who fails, by appropriate action including but not limited to restraining an animal from running at large, or otherwise effectively abating a nuisance found such under the provisions of this section, or who fails to comply with any other provisions of this section after being so ordered, shall have [his] *the person's* dog taken into custody by the police of the city or constable of the town and such disposition made of the dog as the court may order.

17 Gender Neutral. Amend RSA 466:31-a, I to read as follows:

I. Any person who violates any provision of RSA 466:31 shall be guilty of a violation; provided that if such person chooses to pay the civil forfeiture specified in paragraph II, [he] *the person* shall be deemed to have waived [his] *the* right to have the case heard in district or municipal court and [he] shall not be prosecuted or found guilty of a violation of RSA 466:31. Any person who does not pay the civil forfeiture specified in paragraph II shall have the case disposed of in district or municipal court.

18 Gender Neutral. Amend RSA 466:37 to read as follows:

466:37 Official Neglect. Any city or town officer who refuses or willfully neglects to perform the duties imposed upon [him] **such officer** by this chapter relating to dogs shall be guilty of a violation, the fine to be paid to the city or town.

19 Gender Neutral. Amend RSA 466:40-a to read as follows:

466:40-a Possession of Cropped Dog. The possession of a dog with an ear cropped or cut off and with [the] **a resulting** wound [resulting therefrom] unhealed, confined upon the premises of or in charge or custody of any person, shall be prima facie evidence of a violation of the provisions of RSA 466:40 by the person in control of such premises or the person having charge or custody, unless such person shall have in [his] **the person's** possession a certificate of cropping signed by a veterinarian duly registered under the provisions of RSA 332-B certifying that [he] **the veterinarian** performed the operation in accordance with the provisions of RSA 466:40, giving the date of the operation, the name of the owner of the dog and a description of the dog.

20 Effective Date.

I. Section 3 of this act shall take effect July 1, 1997 at 12:01 a.m.

II. The remainder of this act shall take effect January 1, 1996.

Adopted.

Report adopted and ordered to third reading.

**HB 123**, authorizing conservation officers to enforce motor vehicle laws. **INEXPEDIENT TO LEGISLATE**

Rep. Loren Jean for Public Protection and Veterans Affairs: This bill was a request of the Conservation Officers at NH Fish and Game. There was strong opposition from the Department of Safety. The police chiefs were split on the issue. The majority of the committee felt that regardless of amendments such as the 3000 Rule, which prohibits state police from operating in a town with more than 3000 residents being optional, the result would be the creation of a jurisdictional mosaic. This would, however, give NH Fish and Game more jurisdictional authority than the state police. There is also the reality of NH Fish and Game enforcing Title 21 which is the motor vehicle code relating to pursuing people in pickup trucks and jeeps, which is already causing a substantial amount of concern. Vote 11-3.

Rep. McGuirk spoke against.

Rep. Fields spoke in favor and yielded to questions.

Reps. Chase and Mock spoke against and yielded to questions.

Reps. Boucher and Loren Jean spoke in favor.

On a division vote, 198 members having voted in the affirmative and 154 in the negative, the report was adopted.

**HCR 5**, requesting Congress to adopt as part of the Contract with America procedures for instituting a constitutional amendment prohibiting desecration of the United States flag. **MAJORITY: RE-REFER TO COMMITTEE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. James J. Fenton for the Majority for Public Protection and Veterans Affairs: This resolution is a reaffirmation of HCR 57 (1990) supporting a constitutional amendment to prohibit the desecration of the flag, but it was politically flawed. The proposed amendment removed the intent of the sponsors and created a different problem. Therefore, the committee feels that this legislation requires more study and voted to re-refer. Vote 7-5.

Rep. George Rubin for the Minority for Public Protection and Veterans Affairs: A resolution relating to prohibiting the physical desecration of the United States flag ought to pass with amendment. This House Concurrent Resolution requests the Congress of the United States to adopt a resolution endorsing this resolution and to take the proper steps to cultivate respect for the United States flag as a venerable symbol of our national heritage.

Majority report adopted.

**HB 224**, prohibiting the construction of public access areas without preliminary approval of the public access advisory board. **OUGHT TO PASS WITH AMENDMENT**

Rep. H. Charles Royce and Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development: This bill will allow the Legislature to form a study committee to look at the details

of the functions and responsibilities of the Wetlands Board. The Resources, Recreation and Development Committee should be able to resolve the problems presently facing the Wetlands Board. Vote 16-0.

### **Amendment (1647L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

establishing a study committee on the functions and responsibilities of the wetlands board.

Amend the bill by replacing all after the enacting clause with the following:

1 **Statement of Intent.** The general court finds that in recent years the public has experienced confusion and growing frustration concerning the laws, rules, regulations and procedures of the wetlands board. Responding to these concerns, the general court deems it necessary to study in detail all the functions and responsibilities of the wetlands board, in order to insure that all of these functions and responsibilities are consistent with legislative intent for the protection of our natural resources, the public health and safety and the general good of the state. While a sunset process would accomplish this goal with greater efficiency, it could prove confusing and counterproductive with respect to the existing and future relationship between the wetlands board and other agencies outside the state. For these reasons, the legislature establishes in this act a study committee to examine and make reports on the responsibilities and functions of the wetlands board.

2 **Study Committee Established.** There is established a committee to study all aspects of the functions and responsibilities of the wetlands board, including by not limited to its rules, regulations, and procedures and all laws pertaining to the wetlands board. The committee shall consist of 5 members of the house resources, recreation and development committee, appointed by the speaker of the house; and 3 members of the senate environment committee, appointed by the senate president.

3 **Chairperson; Meetings; Mileage.** Committee members shall be appointed within 30 days of the effective date of this act and shall hold their first meeting within 60 days of the effective date of this act. The committee shall choose a chairperson at its first meeting. Committee members shall receive mileage at the legislative rate.

4 **Reports.** The committee shall submit reports annually on or before October 1 of 1995, 1996, 1997 and 1998 to the speaker of the house, the senate president, the house resources, recreation and development committee and the senate environment committee, and may recommend legislation from time to time as is necessary concerning the functions and responsibilities of the wetlands board. The 1998 report shall be the final report of the committee.

5 **Public Hearings; Cooperation of Agencies.** The committee may hold public hearings in Concord or other locations in the state as it deems necessary. All state departments, agencies, and organizations shall cooperate fully with requests of the committee.

6 **Effective Date.** This act shall take effect upon its passage.

### **AMENDED ANALYSIS**

This bill establishes a committee to study the functions and responsibilities of the wetlands board, which will be responsible for making annual reports to the house and the senate until October 1, 1998.

Adopted.

Report adopted and ordered to third reading.

**HB 363**, regulating the construction, placement, and removal of swim floats. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas J. Kirby for Resources, Recreation and Development: This bill, as amended, touches upon issues which surfaced at the committee hearing on HB 584-FN, addressing Murphy Dam at Lake Francis and the towns of Clarksville and Pittsburg. The long-term relationships and opportunities in the area of Murphy Dam and the Lake Francis State Park are clearly in transition today. It is important that the Resources, Recreation and Development Committee enter this transition flux to both focus the developing effort and to examine the achievable opportunities inherent in the Water Resources Council organization. RR&D asks that the House adopt

the proposed amendment to HB 363 and then re-refer the amended bill to this committee. These emerging issues will then undergo committee study at a time when these changes can be most effectively influenced. Vote 15-0.

### Amendment (1705L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to Murphy Dam on Lake Francis in the town of Pittsburg.

Amend the bill by replacing all after the enacting clause with the following:

1 Payment in Lieu of Taxes Increased for Town of Pittsburg. Amend RSA 481:14 to read as follows:

481:14 Tax Exemption. All property and rights acquired by the division shall be exempt from all taxation, but the division shall make payments, on or before December 1 in each year, to each town or city in which property or rights acquired by the division are located. Such sums shall be based on the tax rate then current in each town or city and on the average assessed valuation for a period of 5 years prior to the acquisition by the division; provided that when a town or city wherein division land is located shall have made a general revaluation of property for tax assessment purposes, then the new values shall be used for the determination of the sums as would have been assessed against said property and rights in such town or city if the same had been included in the tax inventory for such year. Betterments, changes in land use or new structures are exempted and shall not be used for the determination of such sums to be paid in lieu of taxes. Provided, however, that the provisions of this section shall not apply to the dam and any appurtenances thereto owned by said division and located in the towns of Pittsburg and Clarksville, and there shall be paid annually to said towns the sum of \$12,500 in lieu of taxes, said sum to be apportioned between said towns in the same ratio that the value of that portion of said dam and any appurtenances thereto located in each town bears to the total value of said dam and any appurtenances thereto as determined by the tax assessors of said towns. *The sum apportioned to the town of Pittsburg shall be increased by 5 percent.*

2 Leases on Lake Francis. The provisions of the lease for the use of shorefront cabin sites, as provided in the Lake Francis leasing plan, shall be extended through January 1, 2020.

3 Increase in Water User Fees. The fees for water withdrawn from the Lake Francis impoundment shall be increased by one percent.

4 Review of Land Management Goals by Water Resources Council. The water resources council, established in RSA 481:4, shall review the land management goals for the Lake Francis state park. The council shall take such action as necessary to implement these goals by January 1, 1997.

5 Effective Date.

I. Sections 1 and 3 of this act shall take effect on January 1, 1996.

II. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill:

(1) Increases the amount paid to the town of Pittsburg for payment in lieu of taxes by 5 percent.

(2) Increases the water user fee for water withdrawn from Murphy Dam in Pittsburg by one percent.

(3) Extends any leases entered into for shorefront cabins on Lake Francis until 2020.

Adopted.

Rep. Whalley spoke against.

Report failed.

Rep. Merritt moved Re-refer to Committee and spoke in favor.

Adopted.

**HB 428**, relative to boat docking facilities. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: RE-REFER TO COMMITTEE.

Rep. Howard C. Dickinson, Jr. for the Majority of Resources, Recreation and Development: This bill, as amended, clarifies several longstanding inconsistencies and ambiguities in the Wetlands Board rules concerning the placement, construction and ownership of docks. While



the committee debated at length how a landowner's property line should be extended into the water, the majority of the members, believing that the language of the amendment was of such importance, wished to see HB 428 passed as soon as possible, leaving the criteria concerning property line extensions to the Wetlands Board to handle much as they have in the past. We recommend this approach, understanding that a full review of the Wetlands Board in HB 224 will enable the RR&D Committee to correct any problems in this area. Vote 14-2.

Rep. Thomas J. Kirby for Minority of the Committee on Resources, Recreation and Development: This bill is carefully and responsibly crafted to provide reasonable criteria for the effective and unobtrusive location of boat docking facilities on the public waters opposite a property owner's shoreland. The measure also provides for an innovative procedure which enables willing neighbors to cooperate with one another in the location of such a boat docking facility. The bill contains only one flaw. The minority sorrowfully finds that flaw to be fatal but believes that with study it is correctable. The problem is that given the irregular and convoluted topology of varying classes and types of shoreland it has, as of yet, been impossible to describe a generalized concept which could be followed to identify a reasonable line, extended from the property owner's shoreland corners onto the waterbody, from which the offsets specified in the bill could be measured. Of the several concepts discussed in committee, each failed in the presence of different and irregular shoreland topologies. The majority has chosen to leave the unclarified question to the regulatory agency while the minority is uncomfortable with this solution.

#### **Amendment (1622L)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Boat Docking Facilities. Amend RSA 270 by inserting after section 46-a the following new subdivision:

#### **Boat Docking Facilities**

##### **270:46-b Boat Docking Facilities.**

I. All boat docking facilities shall be at least 15 feet from an abutting property line in non-tidal waters, and at least 20 feet in tidal waters.

II. Boat docking facilities may be perpendicular or parallel to the shoreline or extend at some other angle into a water body, depending on the needs of the landowners, factors related to safe navigation, and the difficulty of construction. However, any boat secured to such a dock shall not extend beyond the extension of the abutter's property line.

III. Notwithstanding the provisions of paragraph I, boat docking facilities may be located closer than 15 feet from an abutter's property line in non-tidal waters and 20 feet in tidal waters, if the owner of the boat docking facility obtains the written consent of the abutting property owner. Such consent shall be signed by both parties, notarized and filed with the dock application with the wetlands board.

IV. Abutters may apply for a common dock on or near their common property line. Any application for a common dock shall be accompanied by a notarized written agreement, which shall be signed by both property owners. Such agreement shall be filed at the registry of deeds and attached to the deed of each property owner.

2 Effective Date. This act shall take effect upon its passage.

Adopted.

Majority report adopted and ordered to third reading.

#### **HB 630, recodifying and revising the forestry laws. OUGHT TO PASS WITH AMENDMENT**

Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development: This bill, as amended, recodifies all existing forestry laws into one chapter. The previous statutes relating to the forests were set forth in different RSA's which had been passed during the last 150 years. The laws were disorganized and difficult to reference and adhere to besides containing inconsistencies. This legislation came out of SB 128 in 1994 authorizing and incorporating into a single title that part of existing law which relates to forestry; repealing laws which exist in current law relative to forestry. No significant policy changes were made in this process. The outcome is forestry laws that are more coherent and cohesive because they are under one reference statute. The project was completed by a roundtable chaired by John Sargent of the Department of Resources and Economic Development and consisted of representatives from the forest community: New Hamp-

shire Timber Owners Association, The Society for the Protection of New Hampshire Forests, the Granite State Division of the Society of American Foresters and the Timber Harvesting Council as well as representatives of the Legislature and other interested parties. Vote 16-0.

### **Amendment (1709L)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Title; Forestry Laws. Amend RSA by inserting after title XIX the following new title:

#### **TITLE XIX-a**

#### **CHAPTER 227-G**

#### **POLICY, DEFINITIONS, AND ADMINISTRATION**

227-G:1 Declaration of Purpose. It is hereby recognized and declared that the public welfare of this state requires the maintenance, protection, conservation, multiple use, and rehabilitation of forests for the social, economic, and environmental benefits that result from a diverse forest cover. Such benefits include forest products, a viable forest-based economy, recreation opportunities, scenic values, healthful surroundings, climate mitigation, clean water, and biologically diverse populations of plants and animals. It is further recognized that long-term sustainability of the state's forests will require: the prudent acquisition and management of state-owned forests; data collection, planning, and education; protection of critical resources; monitoring and protection of forest health; and control of woodland fires.

227-G:2 Definitions. In this title:

I. "Basal area" means the cross sectional area of a tree measured at a height of 4-1/2 feet above the ground, usually expressed in square feet per acre for a stand of trees.

II. "Commissioner" means the commissioner of the department of resources and economic development.

III. "Department" means the department of resources and economic development.

IV. "Director" means the director of the division of forests and lands, department of resources and economic development, also known as the state forester.

V. "Division" means the division of forests and lands, department of resources and economic development.

VI. "Forest benefits" include, but are not limited to, forest products, a viable forest-based economy, recreation opportunities, scenic values, healthful surroundings, climate mitigation, clean water, and biologically diverse populations of plants and animals.

VII. "Forest fire district" means a geographical area of responsibility for a forest ranger of the department of resources and economic development, division of forests and lands.

VIII. "Forestland" means all lands in this state, except those owned and managed by the United States of America, which by reason of their location and character of soil have the capacity to grow trees and the continuance of which under forest cover is of substantial importance to the public interest.

IX. "Forest management" means the application of scientific and economic principles to conserve forest resources and obtain forest benefits.

X. "Forest resources" include, but are not limited to, soil, air, and water and the full range of plants, animals, and other organisms.

XI. "Forestry" means the science of silviculture and the practice and art of managing and using for human benefit forestlands and the natural resources that occur in association with forestlands, including trees, other plants, animals, soil, water, and related air and climate.

XII. "Fourth order streams" means those streams on a list maintained by the office of state planning, as of the effective date of this section, using the Strahler method whereby the highest year-round streams in a watershed are first order streams, their juncture yields second order streams, the juncture of second order streams yields third order streams, and the juncture of third order streams yields fourth order.

XIII. "Primary forest product" means any portion of a tree, after felling, which will be processed into a secondary forest product, or will be utilized in its primary form.

XIV. "Primary wood processing mill" means any permanent or portable mill, wherever located, sawing or otherwise processing logs, bolts, pulpwood, or other primary forest products into secondary forest products.

XV. "Reservation" means public land under the jurisdiction of the department including, but not limited to: state forest, state park, natural area, historic site, geological site, recreation

trail, memorial area, fire tower, wayside area, heritage park, resource center, agricultural area, state forest nursery, fish pier, administrative facility, information center, demonstration forest, certain islands, and lands under lease to the department.

XVI. "Special purpose" means the management of reservations and state-owned forestlands which have been excluded from forest management due to environmental, public safety, or other reasons unique to the reservation or state-owned forestland as determined by the agency responsible for the reservation or state-owned forestland.

XVII. "Woodland" includes cut-over land, slash, and such other land as bears a sufficient amount of wood growth, wood, weeds, grass, or other growth as to be likely to be burned over.

## 227-G:3 Duties and Authority of the Director of the Division of Forests and Lands.

### I. The director shall:

(a) Execute all matters pertaining to forestry, forest management, and forestlands within the jurisdiction of the state, including cooperation with other state and federal agencies, with the approval of governor and council as required.

(b) Be responsible for the forest management of all reservations and state-owned forestlands except those areas managed for special purposes. The director shall consult with the directors of all agencies responsible for such areas in regard to forest management.

(c) Execute all matters pertaining to the use of state reservations, except matters pertaining to the recreational development, administration, and maintenance, which shall be done in cooperation with the director of the division of parks and recreation, department of resources and economic development, with the approval of governor and council as required.

(d) Gather information on the state's forest resources and plan for the wise use and perpetuation of those resources.

(e) Enforce provisions on timber harvesting in RSA 227-J.

(f) Be responsible for overall forest health monitoring, reporting and protection.

(g) Be responsible for the overall prevention and control of woodland fires throughout the state except within the boundaries of the White Mountain National Forest.

(h) Administer the funds in RSA 227-G:5.

(i) Prepare biennially a report to the governor on the activities and plans of the division. Such report shall contain a itemized statement of all expenses incurred or authorized by the director or by the commissioner.

(j) Carry out such other duties relating to forests, forest management and forestlands as may be delegated by the commissioner lying within the jurisdiction of the department.

### II. The director may:

(a) Within the limits of appropriations, hire such field and office assistants as, in the judgment of the commissioner, are necessary for the proper execution of the director's duties.

(b) With the consent of the commissioner secure the assistance of experts and pay such experts' expenses, as necessary for the proper execution of their duties.

(c) Upon terms approved by the commissioner, enter into cooperative agreements with departments of the federal government and other public and private agencies and organizations for the promotion of forestry within the state.

(d) Conduct investigations within the state on forestry matters and publish for distribution literature of scientific or general interest pertaining to forestry.

(e) Call training sessions of division employees, representatives of cooperating public and private agencies and organizations, town forestry officials, interested citizens, and others.

(f) With the approval of the commissioner or the commissioner's agents, impose administrative fines as provided in RSA 227-J:14.

III. All duties and authorities assigned to the director under this title shall be performed under the supervision of the commissioner.

227-G:4 Rulemaking. The commissioner shall adopt rules, under RSA 541-A, relative to:

I. The management of reservations, pursuant to RSA 227-H:1-11.

II. Registration of primary wood processing mills, and regulation of mill sites.

III. The cutting of timber near certain waters and public highways, pursuant to RSA 227-J:9.

IV. The preparation and issuance of a standard request form to exceed the cutting limits near certain waters and public highways and the criteria for evaluating such a request pursuant to RSA 227-J:9, V.

V. Imposition of administrative fines pursuant to RSA 227-J:14.

VI. The regulation and permitting of floating timber, pursuant to RSA 485-B.

VII. The definition of buying and selling of forest products in relation to deceptive forestry business practices pursuant to RSA 227-J:15.

VIII. The designation of control areas for forest insect and disease infestations and rights of appeal pursuant to RSA 227-K.

IX. The preparation and issuance of burning permits, and the kindling of camp or cooking fires, pursuant to RSA 227-L:17.

X. Emergency rules during high forest fire danger periods.

XI. Any other rules specifically authorized under the provisions of this title.

#### 227-G:5 Forest Funds.

##### I. Forest management and protection fund.

(a) There is hereby established a forest management and protection fund. This fund shall be used for the following:

(1) Managing state-owned forestlands.

(2) Monitoring of forest health and protection of state and private forestlands from disease and insect infestations.

(3) Enforcing the laws relating to the harvesting of timber.

(b) The forest management and protection fund shall be a nonlapsing fund administered by the treasurer of the state of New Hampshire. The fund shall be continually appropriated and expended at the discretion of the director of the division and the commissioner. Any funds in excess of that appropriated from the fund may be expended by the commissioner, with prior approval of the fiscal committee and governor and council, in accordance with RSA 227-G:5, I(a). Revenues shall be derived from the proceeds of the sale of timber and other forest products from state-owned forestlands, the amount of which shall be the difference between the total receipts from the sale of timber within any fiscal year and \$150,000, the average annual stumpage receipt from the sale of timber from state forestlands for the period 1983-1992. Revenues shall also be derived from the lease of state-owned forestlands, or billable services provided by the division of forests and lands, if the revenues are not dedicated to any other purpose. Revenues for the fund shall also be derived from administrative fines collected pursuant to RSA 227-J:14.

##### II. Forest improvement fund.

(a) All revenue derived from rentals and sales of forest products from federal lands placed under the jurisdiction of the department shall be kept by the state treasurer in a separate account as a continuous fund to be known as the forest improvement fund from which the expenses of forest management and silvicultural operations on these federal lands may be paid. Such funds may be used interchangeably between the various federal lands under the jurisdiction of the department, with the approval of the concerned federal agency or agencies.

(b) All revenues derived from the sale of state lands and buildings under the jurisdiction of the department shall be kept by the state treasurer in a separate account as a continuous fund within the forest improvement fund from which payment shall be made by the department for the purchase and improvement of areas suitable for state reservations.

(c) At the close of each fiscal year the unexpended balance of moneys in the forest improvement fund shall not lapse but shall be carried forward and be made available for use in subsequent years for such purposes.

III. Forest protection personnel training fund. The court or justice of any court in which a complaint for a violation of any law or rule relating to this title and other laws pertaining to the protection and improvement of forestlands is prosecuted shall, within 30 days after any fine or forfeiture is paid, remit the amount of such fine or forfeiture to the commissioner, provided, however, that from each fine collected by a municipal or district court, there shall be deducted \$10 and 20 percent of that part of the fine that exceeds \$10 and the same shall be dispensed of as provided for in RSA 502:14 or 502-A:8. The portion of the fine or forfeiture returned to the commissioner shall be placed in an account to be known as the forest protection personnel training fund which shall be continually appropriated to the division for the purpose of training forest protection personnel.

227-G:6 Expenditure of Federal Funds. In case the federal government shall make available to the division for its activities any funds in excess of the amounts estimated for such activities in the so-called appropriation acts, the division, with the approval of the governor and council, may expend such additional federal funds.

**227-G:7 Powers; Arrest; Validity of Prosecutions.**

I. The director and the director's authorized agents shall have the authority of peace officers as defined under RSA 594:1 to serve criminal processes and make arrests to enforce the provisions of this title and any other laws, including title LXII, insofar as they pertain to the protection and improvement of forestlands throughout the state, and for the protection of persons and property on lands or property owned by, leased to, or otherwise under the control of the department.

II. Wardens, deputy wardens, and other persons authorized by the director may arrest without a warrant any person taken by the authorized person in the act of violating any of the laws for the protection and improvement of forestlands and may bring such person forthwith before the court or justice having jurisdiction.

**227-G:8 Validity of Prosecutions.** Forest rangers and officials of the division appointed to enforce this title and other laws provided for in RSA 227-G:7 are authorized, upon successful completion of the preparatory training programs for part-time police officers established by the police standards and training council under RSA 188-F and their subsequent certification as part-time police officers, to prosecute these laws within the jurisdiction of municipal and district courts, unless the prosecutorial jurisdiction over a particular case or class of cases is preempted by the county attorney or the attorney general. Prosecutions for violations of any provisions of this title are declared to be valid and proper, notwithstanding the existence of any law of this state dealing with matters that may be the same as or similar to those covered by this title.

**227-G:9 Training of Forest Rangers.** Any forest ranger of the division appointed to enforce the provisions of this chapter and other laws provided for in RSA 227-G:7, shall successfully complete the preparatory training for part-time police officers established by the police standards and training council pursuant to RSA 188-F no later than one year from the date of hire. Upon successful completion of the training program, such forest ranger shall be certified as a part-time police officer.

**CHAPTER 227-H****PUBLIC FOREST LANDS: MANAGEMENT, ACQUISITION, AND LOST TAXES**

**227-H:1 Declaration of Purpose.** It is hereby recognized and declared that state-owned reservations contribute to the conservation of natural resources and distinctive quality of life in the state. The public welfare of this state is served by the prudent acquisition and management of reservations to provide forest benefits and for the purposes of demonstrating sound forestry principles, protecting habitat for plants, animals, and other organisms, conserving forested watersheds, preserving areas of rare and exemplary natural beauty and ecological value, and providing for perpetual public access and use.

**227-H:2 Duties of the Director.****I. The director shall:****(a) Ensure that forest management on reservations:**

- (1) Gives due consideration to the conservation of all resources and benefits.
- (2) Considers the context of these reservations in the surrounding landscape.
- (3) Is guided by principles of sustained yield.

**(b) Coordinate forest management on reservations with other interested state and federal agencies.**

**(c) Allow for public involvement in forest management planning for reservations.**

**(d)(1)** Raise seedling trees at a state forest nursery and, on terms approved by the commissioner, sell the trees to persons who desire to plant them. The director may, with like approval, distribute them for educational purposes free of charge to counties, municipalities and public institutions owning land which is suitable for reforestation, or which would benefit from tree cover and may arrange for and supervise the planting of such land and any other land suitable for planting owned or acquired by the state.

**(2)** In the case of land owned by counties or municipalities, they shall pay the cost of planting the trees furnished by the state, shall protect and care for them as recommended by the director, and, when required, shall furnish the director with information as to the trees' condition and growth.

**II. The director may:**

**(a)** Enter into agreement with persons or institutions to grow seedling trees to be sold as described in paragraph I, if the commissioner deems it expedient so to do.

(b) Take means for the protection of reservations from forest fire, forest pests and any other damaging agents, and, as far as compatible with the wishes of a donor of land to the state, plant and remove trees and otherwise improve the forest conditions.

227-H:3 Acquisition of Reservations.

I. The department is authorized to purchase, receive or exchange, with consent of the governor and council, lands or interests in lands for use as reservations and to make provisions for their management.

II. If the department cannot agree with the owners as to the price of a reservation to be used for public recreational or park purposes, it may condemn the same under the power of eminent domain, and the value shall be determined upon petition to the superior court as in the case of lands taken for highways.

III. On the payment of the value as finally determined, the title to the land so taken shall vest in the state and be forever held for the purposes of a reservation, and the tract shall at all times be open to the use of the public.

227-H:4 Disposal of Land. Disposal of reservations shall follow the provisions of RSA 4:40 and all other laws that relate to the disposal of state-owned real estate.

227-H:5 Land to be Retained. Due to the continuing demand for development of the land for residential and other purposes, the following state-owned land shall be retained by the state for future generations, other provisions of law notwithstanding:

I. Bears Den natural area, located in the town of Gilsom, consisting of approximately 95 acres, more or less.

II. Binney Pond natural area, located in the town of New Ipswich, consisting of approximately 77 acres, more or less.

III. Bradford Pines natural area, located in the town of Bradford, consisting of approximately 5 acres, more or less.

IV. Chesterfield Gorge natural area, located in the town of Chesterfield, consisting of approximately 13 acres, more or less.

V. Jeremy Hill natural area, located in the town of Pelham, consisting of 63 acres, more or less.

VI. Rhododendron natural area, consisting of approximately 73 acres, more or less, within the Rhododendron state forest park, located in the town of Fitzwilliam.

VII. White Lake Pitch Pine area, consisting of approximately 68.5 acres, more or less, within the White Lake state forest park, located in the town of Tamworth.

VIII. Hamel state forest, consisting of approximately 41 acres in the city of Laconia.

IX. Houston-Morgan state forest, consisting of approximately 165 acres in the city of Laconia.

X. Opechee Bay tract, consisting of approximately 650 acres in the city of Laconia.

XI. Paugus Bay tract consisting of approximately 242 acres in the city of Laconia.

XII. Prescott state forest, consisting of approximately 116 acres in the city of Laconia.

XIII. Swain state forest, consisting of approximately 106 acres in the city of Laconia.

XIV. Kona wildlife management area, consisting of approximately 320 acres in the town of Moultonborough.

227-H:6 Gifts of Land. Whenever any person shall deed to the state any tract of land adapted for forest growth, so that no cost of purchase shall accrue against the state, the department is authorized to accept and hold such tracts in the name of the state, and to reforest, protect, and manage them in the same manner as other state lands under the jurisdiction of the department.

227-H:7 Donation of Funds. The state treasurer is hereby authorized to receive at any time such sums of money as may be donated for the purpose of purchasing, maintaining, and improving state reservations and buildings on them, or any other forestry project. Money so received shall be converted into a continuous fund or funds from which payments shall be made in accordance with the stipulations of the donor upon warrant of the governor for such purposes as are approved by the department.

227-H:8 Use of Land for Recreational Purposes. Any land acquired by the department or under its jurisdiction, pursuant to this chapter, may, in the discretion of the department, be used for public recreational and park purposes, provided that such use is not contrary to the conditions incident to any bequest or gift.

227-H:9 Privileges and Concessions. The commissioner may make contracts for the leasing of privileges and concessions on state reservations, for periods not exceeding 5 years, except such 5-year limitation shall not apply to contracts between the state and the 4-H Foundation of New Hampshire, Incorporated, relative to facilities at Bear Brook state park. All such contracts extending for a period of more than 3 years or for an annual consideration of more than \$2,500 shall be approved by the governor and council prior to being effective.

227-H:10 Recording. All contracts made under the provisions of RSA 227-H:9, extending for a period of more than 3 years or for an annual consideration of more than \$2,500, shall be recorded in the registry of deeds in the county, or counties, where the lands to which such contracts relate are situated.

227-H:11 Islands.

I. The following islands in the following lakes or ponds are hereby placed within the jurisdiction of the department, as public reservations:

- (a) Loon Island in Keysar Lake in the town of Sutton.
- (b) Small Island in Sand Pond in the town of Marlow.
- (c) Ingalls Island in Rocky Pond in the town of Canterbury.
- (d) North Island in Rocky Pond in the town of Gilmanton.
- (e) 3 islands in Ledge Pond in the town of Sunapee.
- (f) An island in Wheelwright Lake in the town of Lee.
- (g) An island located in Kingswood Lake (formerly Cook's Pond) in the town of Brookfield.
- (h) 7 islands in Pleasant Pond in the town of Danbury.
- (i) The island in Baptist Pond in the town of Springfield.
- (j) The island in Billings Pond in the town of Sutton.
- (k) The island in Eastman Pond in the town of Grantham.

II. Nothing contained in this section shall confer authority on the department to dispose of the islands by sale, and nothing contained in this section shall be construed to affect the title to any such islands.

#### Abatement of Taxes to Towns Containing Public Forest Lands; State Lands

227-H:12 State Taxes; Application. The commissioner of revenue administration shall adopt rules, pursuant to RSA 541-A, relative to the form upon which towns shall apply to the commissioner of revenue administration for an abatement of the town's portion of its state tax. Any town in which national forestlands and land held by the state for operation and development as state forestland are situated, whether acquired by gift, purchase, or in any other manner, may apply, by its selectmen, to the commissioner of revenue administration, on forms provided by the commissioner of revenue administration, annually, before September 1, for an abatement of its portion of the state tax, to an amount not exceeding  $\frac{1}{2}$  the taxes for all purposes which such town might have received from taxes on such lands in such year had such lands been taxable. No abatement shall be made for lands held by the state for recreational purposes. In the event that the amount appropriated in any biennium shall be insufficient for the purposes under this section, then the towns entitled to benefits under this section shall be reimbursed proportionately, unless otherwise subsequently ordered by the legislature.

227-H:13 Procedure. The commissioner of revenue administration shall adopt rules, pursuant to RSA 541-A, relative to the application form for abatement under RSA 227-H:12 and the granting of hearings. Application for such abatement shall be made on forms provided by the commissioner of revenue administration. On the facts stated in such application, the commissioner of revenue administration may make such abatement on a case by case basis as equity may require, subject to the limitations provided in this chapter. After the commissioner of revenue administration has made the decision known, any town dissatisfied with the decision may, within 30 days, request a hearing. The commissioner of revenue administration shall grant a hearing, after giving due notice to the selectmen.

227-H:14 Evidence. In making any abatement the commissioner of revenue administration shall consider among other facts, the amount of compensation, if any, which the town has received in any year from the federal or state governments on account of such federal or state land.

**227-H:15 Abatement.** If an abatement is granted, the commissioner of revenue administration shall certify the fact and the amount to the state treasurer, who shall account to the town for such abatement out of any funds in the treasury not otherwise appropriated. In case the amount so certified by the commissioner of revenue administration shall be greater than the state tax assessed against the town, the excess shall be paid to the town by the state treasurer out of any funds in the treasury not otherwise appropriated, upon the approval of the governor and council.

**227-H:16 Expense.** Any expense incurred upon an application for abatement under this chapter or any expense of investigation or hearing shall be paid by the town making application; however, in the event of the granting of an abatement the amount of such expense shall be included with the amount of taxes abated.

**227-H:17 Payment in Lieu of Taxes.** The commissioner of revenue administration shall adopt rules, pursuant to RSA 541-A, relative to forms for application to the commissioner of revenue administration for payment for lost taxes. In any year in which no state tax is levied, any town in which national forestlands and land held by the state for operation and development as state forestland, as defined by the department for the purposes of this section, are situated, whether acquired by gift, devise, purchase or in any other manner, may apply, by its selectmen, to the commissioner of revenue administration on forms provided by him, annually before September 1, for the payment of an amount not exceeding the taxes for all purposes which such town might have received from taxes on such lands in such year had such lands been taxable. In the event that the amount appropriated in any biennium shall be insufficient for the purposes under this section, then the towns entitled to benefits under this section shall be reimbursed proportionately, unless otherwise subsequently ordered by the legislature.

**227-H:18 Application for Payment.** The commissioner of revenue administration shall adopt rules, pursuant to RSA 541-A, relative to the amount of payment to be made and hearings for town selectmen. The commissioner of revenue administration shall consider such application and the facts set forth in it and shall determine the amount of payment to be made on a case by case basis as equity may require. After the commissioner of revenue administration has made known the decision, the selectmen of any town may request a hearing within 30 days from the date of notice of such decision, and the commissioner of revenue administration shall hold a hearing after giving due notice to the selectmen. The decision of the commissioner of revenue administration made after such hearing shall be final.

**227-H:19 Payment.** If reimbursement is allowed, the commissioner of revenue administration shall certify the fact and the amount to the governor who shall draw a warrant on the state treasury out of any money not otherwise appropriated authorizing payment of the sum so specified to such town on the dates when the sums become available, but not later than 30 days after the amount is known.

#### Expenditures of Funds Received From the United States; Federal Lands

**227-H:20 Distribution.** All sums received by this state from the United States, on account of the national forest in this state established under the provision of the Weeks law, so called, being an act of Congress approved March 1, 1911, and amendments thereto, shall be distributed as provided in this subdivision.

**227-H:21 Apportionment.** The funds shall first be apportioned by the state treasurer among the several organized towns, unincorporated towns, and unorganized places in which such national forest is or may be situated, in proportion to the area of such national forest in each, as determined by the forest service of the United States Department of Agriculture.

**227-H:22 Use of Funds by Organized Towns.** The several sums so apportioned to each organized town shall be paid over by the state treasurer, within 60 days after receipt, to the treasurer of the school district in the town and shall be expended for the benefit of the public schools in the organized town, in addition to the sums required by law to be raised for such purposes, in such manner as may be determined by appropriations duly made by school district meetings.

**227-H:23 Use of Funds by Unincorporated Towns and Unorganized Places.** All sums so apportioned to unincorporated towns and unorganized places shall be expended for the benefit of public schools in the counties in which such places are located, in such manner as the appropriate county legislative delegation shall prescribe giving due consideration to the expenditure of



a portion of such sum as part payment towards the costs of the education of any children residing in such unincorporated towns and unorganized places. Such payment shall be made by the state treasurer, within 60 days after receipt, directly to financially and politically independent school districts. If there are no students residing within the unincorporated towns and unorganized places in a county, the funds shall be disbursed to the school districts within the same county as the unincorporated towns and unorganized places in a manner as the appropriate county legislative delegation shall prescribe.

#### Revenue From Federal Lands

227-H:24 Revenue From Federal Lands. If any lands of the state, acquired by the federal government, shall be placed under the jurisdiction of the department, in accordance with an agreement entered into by the governor and council and the federal government pursuant to the so-called Fulmer Act (16 U.S.C. sections 567a-567c), or any other similar act, the department shall administer, manage, and develop said lands and distribute the proceeds from such lands in accordance with the terms of such agreement. Other provisions of law relative to the disposition of revenue received from state lands shall not apply to the revenue received under the agreement.

#### CHAPTER 227-I

#### FOREST RESOURCES EDUCATION, PROMOTION, AND PLANNING

227-I:1 Declaration of Purpose. It is hereby recognized and declared that accurate and detailed information concerning the state's forest resources and uses is essential to planning for the wise use and perpetuation of those resources and that the welfare of the state is served by making such information as complete, current, and available as possible. It is further recognized that the public welfare is served by educating the citizens of this state about the value of forest resources and benefits and forestry.

227-I:2 Duties and Authority of the Director.

##### I. The director shall:

(a) As far as other duties may permit, carry on an educational course of lectures and other public information programs and activities on forests and forest resources and conduct exhibits on forestry at state facilities and at fairs and other similar public assemblies, delegating such duties to authorized assistants as necessary, within the limits of available time and funds.

(b) Provide New Hampshire forest landowners, natural resource professionals, forest products industries, communities and the non-landowning public with unbiased, research-based educational assistance on subject matters including, but not limited to, sustainable forest management practices, stewardship of all forest resources, timber harvesting, and the utilization and marketing of forest products.

(c) Enable the division to provide the educational assistance referred to in subparagraphs (a) and (b) by enacting and maintaining a memorandum of understanding with the University of New Hampshire cooperative extension to support and implement a joint forest resources educational program between the division, the cooperative extension and cooperating federal, state, and county partners. Such memorandum shall be reviewed and updated every 3 years or less as may be necessary.

(d) At least every 10 years undertake an inventory, assessment, and analysis of the forest resources as provided in RSA 227-I:6-8.

##### II. The director may:

(a) Upon request and whenever the director deems it essential to the best interest of the people of the state, cooperate with counties, towns, corporations, and individuals in preparing plans for the protection, management, and reforestation of woodlots and timber tracts, on such terms as the commissioner may approve.

(b) Assist, at its request, any city or town which has established a city or town forest.

(c) Keep an inventory of all city and town forests in the state.

##### 227-I:3 Education and Promotion.

I. The governor shall annually proclaim one week during the month of May, as recommended by the director, as forest conservation week, to encourage the proper care and utilization of the state's forest resources. The governor shall urge forest landowners to observe the occasion by seeking professional forestry advice on the forest management of their woodlots and shall urge others to develop a greater awareness of the forest by obtaining informational pamphlets, publications and material, and by participating in forestry education activities and programs.

II. The governor shall annually proclaim the last Friday in April in each year as Arbor Day, designating this day for the recognition of the significant contribution of trees and shrubs to the well-being, comfort, and inspiration of the people of this state. The governor shall direct the director to encourage appropriate local and state celebrations and educational programs in commemoration of the occasion and to encourage all citizens of the state, individually and in organized groups, to enrich their surroundings by the planting of trees and shrubs on their own properties and in approved public places.

227-I:4 Recommended Forest Management Practices. The director shall coordinate an effort to produce educational tools that identify and recommend voluntary forest management practices for sites or practices which are ecologically sensitive due to soils, wildlife habitat and other unique natural features such as high elevations, steep slopes, deer wintering areas, riparian zones, sensitive soils, and clearcutting.

#### Planning

227-I:5 State Forest Advisory Board. The director may appoint a state forest advisory board, the chairperson of which shall be elected annually by the members of the board. The advisory board shall be representative of diverse forest interests and geographic regions of the state and shall advise and assist the director in carrying out the provisions of this chapter. The members shall meet at least semi-annually and shall receive such travel expenses as may be made available by state appropriations or other sources and as authorized by the director.

#### 227-I:6 Forest Resources Inventory and Assessment.

I. The director, under the guidance of the state forest advisory board and within the limits of available financial and other resources, shall undertake an inventory, assessment, and analysis of the forest resources of the state at least every 10 years. Such inventory and assessment, whenever practicable, shall be undertaken in conjunction with the United States Department of Agriculture forest service's forest inventory and analysis of the state.

II. In preparing the inventory and assessment, the director shall:

(a) Solicit the cooperation of and information collected by public agencies and private organizations, federal agencies, regional and local planning organizations and forest industries. For the purpose of assisting the director in preparing the inventory and assessment or its revisions, the director, in consultation with the state forest advisory board, may appoint such special advisory committees as the director deems necessary. Such committees shall consist of individuals with practical expertise in forest resource fields and shall include representatives of public and private agencies and organizations and of the forest industry and others concerned with the use of forest resources; and

(b) Evaluate the accuracy of existing data required to complete the inventory and assessment and identify high priority needs for completing such data base.

III. The director shall prepare an interim report every 5 years following an inventory and assessment.

227-I:7 Elements of the Inventory and Assessment. The inventory shall include, but shall not be limited to, the following:

I. Forestland ownership and management objectives.

II. Quantity and quality of timber and forestland in the state.

III. Efficiency of utilization of forest products.

IV. Contribution to energy needs being made by wood.

V. Status of forest protection.

VI. Status of forest resources and benefits.

VII. A description and evaluation of current public and private forestry programs.

VIII. Evaluation of management status on public and private lands.

IX. Analysis of present and anticipated supply and demand for the various forest resources in the state.

X. Evaluation of forest-related employment and associated economic benefits, including, but not limited to, timber.

227-I:8 Forest Resources Plan. Based on the inventory and assessment prepared pursuant to RSA 227-I:6 and RSA 227-I:7, the director, with the advice and assistance of the state forest advisory board and within the limits of available financial and other resources, shall prepare and submit to the governor and the legislature at least every 10 years a comprehensive statewide

forest resources plan and every 5 years an interim status report and 5-year program that addresses problems and opportunities on all ownerships. Such plan and program shall include, but not be limited to, the following:

I. A discussion of management responsibilities, policy considerations, laws, rules, regulations, and other factors expected to influence and significantly affect the use, ownership, and management of forest resources.

II. A statement of policies regarding management of the forest resources of the state.

III. A description of specific fiscal needs and legislative priorities for promoting both public and private resource management programs in New Hampshire.

#### Forest Resource Information

##### 227-I:9 Primary Wood Processing Mills; Registration; Penalty.

I. In order to provide for the safety of woodlands from fire in relation to primary wood processing mills, and to protect and develop the state's forest resources, information as to location, owner, type of mill, operating capacity, species and volumes of wood and timber being processed, and output of wood and timber products shall be required.

II.(a) No person shall operate or cause to be operated any mill processing primary forest products unless said mill shall be registered by the director.

(b) There shall be an annual mill registration fee of \$20 for all mills processing primary forest products, regardless of size, type of mill, or primary product being processed.

(c) Application for registration shall be made on forms provided by the director, giving the name of owner or owners, locations, type and capacity of mill, products produced, and such other pertinent information as the director may require. One application shall cover a mill complex in a given location involving more than one unit of equipment.

(d) The director shall issue to the applicant a permanent registration number assigned to the mill described in the application together with a sign or plate denoting such registration number, to be displayed in a conspicuous place at the mill.

III. The director, or duly authorized agent, may, at any time, inspect any primary wood processing mill to assure compliance with the provisions of this chapter.

IV. Any person who violates any of the provisions of this section or rules adopted under RSA 541-A shall, for the first 30-day period, be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person. Each subsequent 30-day period or part thereof shall constitute a separate offense.

227-I:10 Tabulation of Statistics. The director shall require each mill registered in a given year to submit, on or before January 31 of the following year, a tabulation by species and volume of primary forest products processed during the preceding calendar year on the basis of the International 1/4 Inch Rule, or its equivalent, or other commonly used basis of measure for products not measurable in board feet. The director shall annually publish a statewide tabulation of these statistics, in addition to other general information about primary wood processing mills derived from registration applications.

### CHAPTER 227-J TIMBER HARVESTING

227-J:1 Declaration of Purpose. It is hereby recognized and declared that the public welfare of this state requires the care and protection of forest cover adjacent to certain waters of the state and along public highways, and the proper disposal of slash and mill residue resulting from forest operations in certain circumstances to help conserve the amount and quality of surface waters and groundwaters of the state; reduce the incidence and severity of forest fires; promote healthful surroundings, recreational opportunities, and scenic values; ensure future forest productivity; improve conditions for wildlife; and provide other benefits to the public as the result of perpetuating a proper forest cover, while continuing to meet the timber needs of forest industries and providing income and employment for our citizens without undue infringement on the rights of private forest landowners.

##### 227-J:2 Duties and Authority of the Director:

I. The director, or the director's authorized agents shall:

(a) Be the primary enforcement agency for this chapter.

(b) Enforce the provisions of RSA 637 insofar as they pertain to the protection and improvement of forestlands.

## II. The director or the director's authorized agents may:

(a) For the purpose of performing the duties under this chapter, enter upon all lands in this state, posted or otherwise.

(b) Exercise the powers of arrest pursuant to RSA 227-G:7.

(c) Issue a written cease and desist order against any timber operation in violation of this chapter, with the exception of RSA 227-J:4. Any such violation may be enjoined by the superior court, upon application of the attorney general. A person failing to comply with the cease and desist order shall be guilty of a violation.

(d) Issue cease and desist orders to temporarily suspend logging or other operations in forest areas when the director determines that such actions have resulted in, or are likely to result in, pollution of surface water or groundwater. In such instances, the director shall immediately notify the division of water supply and pollution control, which shall investigate at once. The cease and desist order issued by the director shall remain in force until such time as the division of water supply and pollution control determines whether the action in question constitutes a threat to water supplies.

## III. The director may enter into cooperative agreements or memoranda of understanding for the enforcement of the provisions of this chapter.

227-J:3 Special Deputy Forest Rangers. The director may appoint, as special deputy forest rangers, persons in the employ of the department and, upon the recommendation of the district forest ranger, such other persons as may be able to assist the director in the enforcement of all state laws and rules applicable to the harvest of timber for which the division has enforcement authority. Such individuals shall have powers and duties exercised only at the discretion of the district forest ranger. Such appointees shall be allowed, for their services, such compensation as may be fixed by the commissioner and the director, and such compensation shall be deemed an expense of enforcing state timber harvest laws and paid by the state.

227-J:4 Licensed Foresters. It shall be unlawful for any person to practice for compensation or offer to practice for compensation in this state, the profession of forestry, as defined in RSA 310-A:99, II, or to use in connection with a name or otherwise assume, use, or advertise any title or description tending to convey the impression that such person is a forester, unless such person has been duly licensed according to the provisions of RSA 310-A. Failure to comply with these requirements may result in penalties under RSA 310-A.

227-J:5 Notice of Intent to Cut and Report of Wood Cut. Pursuant to RSA 79, an owner conducting a cutting operation shall file an intent to cut and a report of wood cut as outlined in RSA 79. Failure to comply with these requirements may result in penalties under RSA 79.

## 227-J:6 Operations in Wetlands.

I. Pursuant to RSA 482-A no person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the wetlands board. Failure to comply with these requirements may result in penalties under RSA 482-A.

II. Pursuant to RSA 482-A:3, V, persons who have complied with notice of intent to cut wood requirements under RSA 79:10, and who have filed an appropriate notification of forest management activities having minimum wetlands impact with the wetlands board and the department, shall have satisfied the permitting requirements for minimum impact activities.

III. Pursuant to the rules of the wetlands board, skid trails, truck roads and culverts, bridges, pole fords or other crossings on the skid trails or truck roads shall be constructed in accordance with procedures as currently cited in the Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire, published by the department.

## 227-J:7 Alteration of Terrain.

I. Pursuant to RSA 485-A:17, any person proposing to dredge, excavate, place fill, mine, transport forest products or undertake construction in or on the border of the surface waters of the state, and any person proposing to significantly alter the characteristics of the terrain, in such a manner as to impede the natural runoff or create an unnatural runoff shall comply with the provisions of RSA 485-A. Failure to comply with these requirements may result in penalties under RSA 485-A.

II. Permits are obtained by signing the intent to cut form as provided in RSA 485-A:17, III.  
227-J:8 Trespass; Penalty.

I. No person shall negligently cut, fell, destroy, injure, or carry away any tree, timber, log, wood, pole, underwood or bark which is on the land of another person, or aid in such actions without the permission of that person or the person's agent.

II. In addition to any other civil or criminal penalty allowed by law, any person who violates the provisions in paragraph I shall forfeit to the person injured no less than 3 and not more than 10 times the market value of every such tree, timber, log, lumber, wood, pole, underwood or bark cut, felled, destroyed, injured, or carried away.

**227-J:9 Cutting of Timber Near Certain Waters and Public Highways of the State; Penalty.**

I. No more than 50 percent of the basal area of trees shall be cut, or otherwise felled, leaving a well distributed stand of healthy, growing trees, within 150 feet of any great pond, any other standing body of water 10 acres or more in area, fourth order stream or higher, or public highway or within 50 feet of any other stream, river or brook which normally flows throughout the year, or standing body of water less than 10 acres in size associated with a stream, river or brook which normally flows throughout the year, unless the person who pushes over, cuts, saws, or operates on or causes to be pushed, cut, sawed, or operated on said trees, obtains the prior written consent of the director or the director's agents in accordance with paragraph V.

II. Timber cutting for land conversion purposes, other than timber growing and forest uses, shall be exempt from this section if those persons intending to convert the use of the land have secured all required local permits including, but not limited to, building, subdivision or zoning permits, excavation permits, or site plan approval necessary for the use to which the land will be converted, and are able to furnish proof of such permits.

III. No person shall clear land of natural vegetation on a given lot, tract, or parcel proposed for subdivision pursuant to RSA 485-A:32, unless such subdivision plan has been submitted and approved in accordance with the requirements of RSA 485-A.

IV. Timber cutting for land conversion purposes, other than timber growing and forest uses, that does not require any local permits shall be exempt from this section if conversion occurs within 180 days of exceeding the provisions in paragraph I, or there has been prior written consent to extend the 180-day period from the director or the director's agents in accordance with paragraph V.

V.(a) Before the director grants a request to exceed the limits established in this section, the landowner or authorized agent shall demonstrate that it is necessary to exceed such limits and that any and all actions are consistent with the purposes of this chapter. The director shall provide a standard request form for this purpose. This form shall be submitted to the director or the director's agents at least 30 days prior to commencing the timber cutting operation.

(b) Failure of the division to act upon the request within 30 days shall serve as automatic approval.

VI.(a) Any person who violates the provisions of this section shall be guilty of a misdemeanor.

(b) Each 200 linear feet or fraction thereof of frontage on the affected great pond, fourth order stream or higher, any standing body of water 10 acres or more in area or public highway, or any other stream, river or brook which normally flows throughout the year or standing body of water less than 10 acres in size associated with a stream, river or brook which normally flows throughout the year, from which trees are cut in excess of limits prescribed in this section shall constitute a separate offense.

VII. This section shall be enforceable by the municipality in which the land is situated; provided, however, that before initiating any enforcement action, the municipality shall notify the director, who shall take action to the extent the director deems necessary to ensure uniform statewide enforcement. If, within 10 days of notification to the director, no enforcement action has been taken by the director or the director's agent, the municipality may proceed with actions necessary to ensure compliance with the law.

VIII. Forest management not associated with shoreland development nor land conversion and conducted in compliance with the provisions of this section shall be exempt from the provisions of RSA 483-B.

**227-J:10 Care of Slash and Mill Residue; Penalty.** Whoever pushes over, cuts, saws or operates on or causes to be pushed over, cut, sawed or operated on any timber, brush, lumber, or wood shall dispose of the slash and mill residue caused by such action so that slash and mill residue shall not remain:

I. In any stream, river, or brook which normally flows throughout the year or in any other standing body of water, public highway, or active railroad bed.

II. On the property of another, or in a cemetery.

III. Within 25 feet of land of another, or fourth order stream.

IV. Within 50 feet of any great pond, any standing body of water 10 acres or more in area, public highway, or active railroad bed.

V. Within 100 feet of any occupied structure as defined in RSA 635:1, III, including all barns, sheds, and other storage buildings, except a temporary lumber camp.

VI. Disposal of slash and mill residue shall be in such manner that it is disposed of within the area between 50 feet and 150 feet of any great pond, standing body of water 10 acres or more in area, or public highway so it lies on the ground and no part of the slash or residue extends more than 4 feet above the ground.

VII. If more than one of the limitations in paragraphs I-VI on the disposal of slash and mill residue shall be applicable, the most restrictive shall control.

VIII. Any person who pushes over, cuts, saws or operates on or who causes to be pushed over, cut, sawed or operated on any such timber, brush, lumber or wood, or any owner of land where cutting is done, shall be guilty of a misdemeanor for each 200 linear feet or fraction thereof of property boundaries, water frontage, public highway and railroad frontage from which the slash and mill residue is not properly removed or disposed of as provided under RSA 227-J:10, I-VII, within 30 days after such cutting unless an extension is approved by the director. If the person refuses or neglects to properly remove or dispose of the slash or mill residue within the time prescribed, the person shall be guilty of a misdemeanor as provided in this paragraph for each subsequent 30-day period of refusal or neglect to so remove or dispose of such slash or mill residue.

#### 227-J:11 Prohibition on the Transportation of Coniferous Trees; Penalty.

I. During the period from October 1 to December 25, inclusive, no person shall transport at any one time more than 3 coniferous trees, obtained from another, from place to place along any public highway unless the person has available for inspection evidence that the person is the owner of the trees, and can furnish the name, address and telephone number of the person from whom the trees were obtained.

II. Any person violating the provisions of this section shall be guilty of a violation.

#### 227-J:12 Mill Logs; Penalty.

I. No person shall knowingly cut out or alter the mark of any mill log, or cut into any lumber or log belonging to another person, without the permission of the owner or the owner's agent.

II. In addition to any other civil or criminal penalty allowed by law, any person who violates the provisions of paragraph I shall forfeit to the person injured 10 times the market value of every such mill log or lumber, cut or altered.

227-J:13 Damage to Fences; Penalty. Pursuant to RSA 539:3, no person shall knowingly throw down, damage or leave open any fence, gate or bar belonging to or enclosing land held in common, or belonging to another person, or shall aid in such act, without being subject to the penalties provided in RSA 539:3.

#### 227-J:14 Administrative Fines.

I. The director, with the approval of the commissioner and after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph for violation of this chapter.

(b) Procedures for notice and hearing prior to the imposition of an administrative fine.

II. The proceeds of administrative fines levied pursuant to paragraph I shall be deposited by the commissioner into the forest management and protection fund established under RSA 227-G:5, I.

#### 227-J:15 Deceptive Forestry Business Practices.

I. A person is guilty of a misdemeanor who in the course of buying and selling of a forest product, as defined under RSA 227-G:4, VII:

- (a) Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity as provided under RSA 438; or
- (b) Sells, offers or exposes for sale or delivers less than the represented quantity of any commodity or service; or
- (c) Takes or attempts to take more than the represented quantity of any commodity or service when as buyer the person furnishes the weight or measure; or
- (d) Sells, offers or exposes for sale adulterated or mislabeled commodities.

II. In this section, "adulterated" means varying from a standard of composition or quality prescribed by any statute providing criminal penalties for such variance, or set by established commercial usage. In this section, "mislabeled" means varying from a standard of truth or disclosure in labeling prescribed by any law providing criminal penalties for such variance, or set by established commercial usage.

## CHAPTER 227-K FOREST HEALTH

227-K:1 Declaration of Purpose. It is hereby recognized and declared that the public welfare of this state requires monitoring and assessment of the status of changes and long-term trends in the health of the state's forests and the ability to detect and reduce the incidence and severity of forest insect and disease infestations.

### 227-K:2 Duties of the Director.

#### I. The director shall:

- (a) Be responsible for the protection of forests from forest pests in order to reduce and prevent loss of timber resources, enhance the growth and maintenance of forests, conserve forest cover on watersheds, and promote stability of forest-using industries.
- (b) Coordinate forest pest control efforts with the commissioner of agriculture and the state entomologist. The director and commissioner of agriculture shall establish and publish an annual work plan outlining these efforts and specifying the responsibilities of each agency.
- (c) Coordinate efforts with the federal forest health monitoring program.
- (d) Prepare a biennial report summarizing the status of forest health.

II. The director or the director's authorized agents may, for the purpose of performing the duties under this chapter, enter upon all lands in this state, posted or otherwise.

### 227-K:3 Designation of Control Areas.

#### I. The director may publicize information concerning forest insects and diseases.

II. Control areas may be designated upon determination of the director, in consultation with the commissioner, the state entomologist, the commissioner of the department of agriculture, other agencies as necessary, and affected landowners, that an exotic, non-native forest insect or disease poses a significant threat to forests and that there is the potential for localized infestations to spread to adjacent lands. Notification of such designation may be provided as authorized under paragraph I.

III.(a) A landowner within a control area shall carry out such control measures as are ordered by the director, to the extent practical and where proven technology is available, including but not limited to, the removal and destruction of any plants harboring insects or diseases.

(b) If such control measures are not immediately taken by the property owner, the director or authorized agent may remove and destroy infected vegetation from any land within the control area. Cost of actions taken by the state shall be borne by the state.

(c) A landowner's right to appeal a decision by the director under this chapter shall be provided in rules adopted by the commissioner under RSA 541-A.

227-K:4 Cooperation of Agencies. The commissioner and director may cooperate with departments of the federal government, the state department of agriculture, and the agricultural experiment station for the control or eradication of forest insects and diseases in the state generally, and for carrying out such investigations as are deemed advisable by the commissioner.

### White Pine Blister Rust Control Areas

227-K:5 Entry on Land. The director or the director's authorized agents shall have the right to enter upon any public or private property to determine the presence of the fungus disease *Cronartium ribicola* commonly known as white pine blister rust in any of its stages, and to carry out the necessary eradication measures.

227-K:6 Planting Currant or Gooseberry Bushes Within Control Area. No person shall plant any currant or gooseberry bush within a control area without the permission of the director.

227-K:7 Diseased Plants, etc. Any currant or gooseberry bushes which are found to threaten any white pine trees with *Cronartium ribicola* are hereby declared to be a public pest, and any such plants may be destroyed by order of the director or the director's authorized agents.

227-K:8 Obligation of Towns. When, in the opinion of the director and the commissioner of agriculture, a necessity exists requiring the destruction of currant and gooseberry bushes in any town, the director or the director's authorized agents may remove or destroy any currant and gooseberry bushes within such town and charge the expense to state appropriations made available for this purpose or in the event state appropriations are not made available or are insufficient for this purpose, charge said expenses to the town; provided, however, that no town shall be required to expend more than \$400 in any one year for such control measures. If such order is not complied with, the governor and council may order such town to carry out any control measures specified by the director.

227-K:9 Expense. The expenses to the town provided for in RSA 227-K:8 for control measures shall be deemed to be a judgment against the town and the amount shall, without vote of the town, be paid by the selectmen.

227-K:10 Notice Required. Two weeks prior to removal or destruction of any currant or gooseberry bushes within any town by the director or the director's authorized agents, a written notice shall be given by the director to the selectmen of the town stating the date when, and the location where, operations for such removal or destruction will begin.

227-K:11 Damages for Destruction of Bushes or Trees. If within any designated control area, bushes or trees other than currants and gooseberries which threaten white pine trees with *Cronartium ribicola* are designated by the director or the director's agents and destroyed by the director or the director's agent's specific order, the owner may be compensated, the damages to be assessed by the director at not more than the actual value of the material destroyed, and paid to the owner by the state treasurer upon authorization of the commissioner.

227-K:12 Alternative. In lieu of money damages for any trees or bushes destroyed under RSA 227-K:11, the director may offer, and the owner may accept, forest planting stock to be furnished from the state forest nursery.

#### Nursery Inspection

227-K:13 Nursery Inspection. The state nursery inspector, under the direction of the commissioner of agriculture, may enter upon any land contiguous to or within the vicinity of any nursery within the state, for the purpose of determining the presence or absence of *Cronartium ribicola* in any of its stages, or other threatening disease or insect pest, and within such area the inspector shall have the same power and duties for the control and eradication of the white pine blister rust or its hosts as is vested in the director of the division under this chapter, and shall have the power to enforce and carry out necessary measures for the control or eradication of other threatening insect pests or fungus diseases.

227-K:14 Regulation of Entry. The state nursery inspector under the direction of the commissioner of agriculture may prohibit and prevent or regulate the entry into the state, or the movement within the state, of any living 5-needled pine trees or any plants of the genus *ribes*, or other nursery stock or plants, or the products thereof, which in the inspector's judgment may cause the introduction or spread of a dangerous insect pest or plant disease.

227-K:15 Orders. The state nursery inspector and the commissioner of agriculture may issue such orders, notifications and permits as may be necessary to carry out the provisions of RSA 227-K:14.

227-K:16 Expenses. The expenses necessary for carrying out the provisions of this subdivision shall be paid from the appropriation for nursery inspection or other funds of the department of agriculture.

227-K:17 Penalty. Any person violating any of the provisions of this chapter shall be guilty of a violation.

#### CHAPTER 227-L WOODLAND FIRE CONTROL

227-L:1 Declaration of Purpose. It is hereby recognized and declared that the public welfare of this state requires an efficient and effective statewide forest fire detection and protection program that will prevent control and reduce the incidence and severity of woodland fires through prevention, presuppression and suppression activities.



**227-L:2 Duties and Authority of Director.****I. The director shall:**

(a) Divide the state into forest fire districts to more effectively carry out a statewide forest fire control program.

(b) Maintain the present mountain lookout stations, establish and maintain additional stations connected by telephone lines or radio communication, and use aircraft and other available means for surveillance, detection, reporting, and control of forest fires and shall have the right to receive and hold, in the name of the state, gifts of land for observatory sites and rights of way for paths and telephone and electric lines.

**II. The director may:**

(a) Purchase firefighting equipment for resale to towns on such terms as the commissioner may approve.

(b) Cooperate with the forestry departments of the states of Maine, Massachusetts, and Vermont in the establishment and maintenance jointly of lookout stations serving New Hampshire and any of such other states.

(c) Establish, at advantageous points throughout the state, supply stations for tools and apparatus used in firefighting and provisions necessary to personnel employed, make proper maps for the use of forest rangers and wardens, build fire trails and fire lines, employ paid patrols at suitable points and at necessary times, and use other means as seem advisable to the commissioner within the limits of the appropriation.

**III. The director, or the director's authorized agents shall:**

(a) Be the primary enforcement agency for this chapter.

(b) Enforce the provisions of RSA 637 insofar as they pertain to the protection and improvement of woodlands.

**IV. The director or the director's authorized agents may:**

(a) For the purpose of performing the duties under this chapter, enter upon all lands in this state, posted or otherwise.

(b) Exercise the powers of arrest pursuant to RSA 227-G:7.

(c) Issue a written cease and desist order against any operation in violation of this chapter. Any such violation may be enjoined by the superior court, upon application of the attorney general. A person failing to comply with the cease and desist order shall be guilty of a violation.

V. The director, with the approval of the commissioner and after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph for violation of this chapter.

(b) Procedures for notice and hearing prior to the imposition of an administrative fine.

VI. The proceeds of administrative fines levied pursuant to paragraph V shall be deposited by the commissioner into the forest protection personnel training fund established under RSA 227-G:5, III.

**227-L:3 Taking Land.** If sites or rights of way necessary for the maintenance and effective operation of lookout stations, fire trails, or lines cannot be acquired by gift or purchase, the department shall have the right to acquire the same under the power of eminent domain, and the value shall be determined as provided in RSA 227-H:3, II.

**Forest Fire Personnel**

**227-L:4 Forest Fire Personnel.** The commissioner, upon the recommendation of the director, shall appoint such field and office personnel and such other assistants as the state woodland fire control program may warrant.

**227-L:5 Cooperation in Forest Fire Protection.**

I. The director, with the approval of the commissioner and the governor and council, may enter into an agreement with other states, Canadian provinces, or the federal government, or any combination of them, to exchange assistance in the control of forest fires and to train personnel. Any state employee assigned to fire control duties or training programs outside this state under such an agreement shall be deemed to be working within this state for the purposes of compensation and other employee benefits.

II. In this section, the term "employee" means any appointee, volunteer, or auxiliary member of a fire department, legally included within the firefighting forces of this state.

227-L:6 Duties of Personnel. It shall be the responsibility of such personnel appointed within the provisions of RSA 227-L:4 to carry out duties assigned by the director in enforcing state forest laws and rules; directing and aiding forest fire wardens, deputy forest fire wardens, and other forest fire personnel in the performance of their duties; and performing other duties as may be authorized by law and as directed by the director and the commissioner.

#### Forest Fire Wardens and Deputy Wardens

##### 227-L:7 Forest Fire Warden Appointment.

I. The selectmen of towns and the mayors of cities shall, and other citizens may, recommend to the director the names of such persons as may in their estimation be fit to fill the offices of forest fire warden and deputy forest fire warden in their respective towns and cities.

II. After investigation the director shall appoint from the persons so recommended not more than one competent person in each town or city to be the forest fire warden for the town or city, and such deputy forest fire wardens as the director deems necessary. In such towns or cities where the fire chief is not the appointed town or city forest fire warden, the fire chief shall be appointed as deputy forest fire warden. The director may appoint a forest fire warden or deputy forest fire warden for 2 or more towns or parts of towns.

III. In unorganized places, upon the recommendation of the forest ranger, the director shall appoint a forest fire warden and one or more deputy forest fire wardens, to have the same powers and the same duties as the town forest fire wardens.

227-L:8 Special Deputy Forest Fire Wardens. The director may appoint as special deputy forest fire wardens persons in the employ of the department and, upon the recommendation of the forest ranger, such other persons as may be in a position to assist the director in preventing and suppressing fires. The appointees shall have the same powers and duties as the town forest fire wardens, but the powers and duties shall be exercised and performed only in emergencies or in the absence of a regularly appointed forest fire warden or deputy forest fire warden or when requested by the director or the director's agent. Appointees shall be allowed for their services such compensation as may be fixed by the commissioner and the director, and such compensation shall be deemed to be an expense of fighting woodland fires and paid by the state.

227-L:9 Term. Upon the appointment of a forest fire warden or deputy forest fire warden in any town, city or place, the term of office of the forest fire warden or deputy forest fire warden previously acting in such capacity shall immediately cease, and the new appointee shall serve for 3 years, or until a successor is appointed as provided in this subdivision. The term of a special deputy forest fire warden shall be 3 years.

227-L:10 Removal; Vacancy. The director shall have the discretionary power to remove any warden, deputy warden, or special deputy warden from office. Upon the termination in any manner of the term of office of any warden, deputy warden, or special deputy warden, a successor shall be appointed in the manner provided in this subdivision for the appointment of such officers.

##### 227-L:11 Duties of Forest Fire Wardens and Deputy Wardens.

I. Wardens and deputy wardens, or some agent or agents designated by them, shall:

(a) When directed by the director, patrol the woods in their respective cities, towns or places, warning persons who traverse the woods, campers, hunters, fishermen, and others about lighting and extinguishing fires. They shall post extracts from the fire laws and other notices sent them by the director along the highways, streams, and waters frequented by tourists and others, at camp sites and in other public places.

(b) Extinguish all woodland fires occurring in their town, or elsewhere when so directed by the director or the director's authorized agent. Either of them may call such assistance as the person deems necessary to aid in extinguishing the fires, may require the use of vehicles or other equipment and property for that purpose, and may order any road or highway closed to any motor vehicle if it becomes necessary in order to safeguard the proper extinguishing of such fire. Such authority shall not interfere with the authority of chiefs of city fire departments.

(c) Make reports to the forest ranger of the district in which they are located or to the director of the division, at such time and in such form as the director may require.

II. Forest fire wardens and deputy wardens or any agent designated by them may, with the approval of the director, brush-out and make passable old roads and trails useful for the passage

of personnel and equipment in case of woodland fires. Expenditures for this purpose shall be shared by the state and town, place or municipality in the same proportion as other prevention expense, except that the state's share under this section shall not exceed \$25 to any one town, place, or municipality in any year.

III. If any warden or deputy warden shall willfully neglect or refuse to perform the duties prescribed in this subdivision, the warden or deputy warden shall, upon complaint of the director, be guilty of a misdemeanor.

#### 227-L:12 Remuneration; Expenses.

I. Wardens and deputy wardens in towns and unorganized places shall be allowed for their services such remuneration as may be fixed by the commissioner and the director. Any regularly paid warden, deputy warden, lookout watcher, or fire patroler may be directed and used by the forest ranger or the director on any state or municipal forestry work or other public work, when in the judgment of the director the safety of woodlands is not endangered by such use.

II. The town forest fire wardens and deputy wardens attending training sessions called by the director under RSA 227-G:3, II(e) shall be paid for their time and expenses in attending such training sessions, within the limits of available funds, such payment to be borne equally by the municipalities represented and the state in the same manner as provided in RSA 227-L:22.

#### Public Duties

##### 227-L:13 Public Duties; Penalties.

I. It shall be the duty of any person who discovers a woodland fire not under control or supervision of some person to extinguish it or report it immediately to the warden or deputy warden or other public official. Whoever fails so to do shall be guilty of a violation.

II. Any person who fails to respond to the warden's call for assistance or the use of the person's property, or any person who drives a motor vehicle over a road or highway that has been closed under RSA 227-L:11, I(b), after having been instructed not to do so, shall be guilty of a violation.

III. Notwithstanding the provisions of paragraph II and RSA 227-L:11, I(b) no person authorized to compel assistance by conscription under such authority shall order any person under the age of 18 years or over the age of 45 years (except when such person has voluntarily consented to accept direction and if under the age of 18, has furnished parental consent in writing); or any person having a physical or mental disability or who is otherwise disabled in capability to perform acts of firefighting, to perform any act of firefighting which would subject such person to the possible risk of grievous bodily injury, harm or death, except in a dire emergency, and then only if such act or acts are deemed necessary to protect and preserve public property endangered by fire, or in the case of a national emergency. Notwithstanding this limitation, nothing in this section shall be construed to limit a person's ability, if over 18 years of age, to voluntarily consent to perform acts of firefighting so long as the person agrees to accept direction of qualified firefighters and the person accepting consent is authorized by paragraph II and RSA 227-L:11, I(b) to call for such assistance and reasonably believes that the person volunteering understands the personal risk.

IV. Owners of property required by the warden or deputy warden in the extinguishment of a woodland fire shall receive reasonable compensation for their services. In case the warden or deputy warden, and the persons summoned to assist or furnish the use of property, shall fail to agree upon the terms of compensation, the dispute shall be referred to the forest ranger, the director, or the commissioner for settlement, and the decision of the commissioner shall be final.

227-L:14 Interference With Forest Fire Control Personnel; Penalty. It is unlawful to resist or attempt to resist arrest by any forest fire control personnel authorized to make arrests pursuant to RSA 227-G:7, or to obstruct or attempt to obstruct, or to intimidate or interfere with any such persons in the performance of their duties. Whoever violates the provisions of this section shall be guilty of a violation if a natural person and guilty of a misdemeanor if any other person.

#### Permits, Prohibitions and Penalties

227-L:15 Prohibiting Smoking or Kindling of Fires; Penalty. The governor, upon the recommendation of the director, when there is danger of starting fires in the woodlands of the state due to a period of protracted drought or excessive dryness which requires extraordinary precautions, may, with verbal approval of the council, by official proclamation, prohibit smoking in or

near woodlands and prohibit the kindling of any open fire in or near woodlands in any or all parts of the state for such time as they may designate. Whoever is found guilty of violating the provisions of any proclamation issued pursuant to this section shall be guilty of a violation.

227-L:16 Trespass Upon or Smoking in White Mountain National Forest; Penalty. It shall be unlawful for any person to enter upon, or to smoke upon, lands of the United States known as the White Mountain National Forest, as now or hereafter constituted, at any time when such entry or smoking shall be forbidden by valid order made for the purpose of protecting such forest from forest fire, pursuant to the laws of the United States. Any person violating the provisions of this section shall be guilty of a violation.

227-L:17 Permits; Damages; Penalties.

I. It shall be unlawful for any person to kindle or cause to be kindled a fire upon the land of another without first obtaining permission from the landowner or the landowner's agent, or upon public land without the written permission from the official caretaker, excepting that upon a public recreational area where fireplaces and a supervisor are provided, presence of an official supervisor or caretaker upon such land shall constitute permission.

II. No person, firm or corporation shall kindle or cause to be kindled any fire or shall burn or cause to be burned any material, and no city or town shall kindle or maintain a fire on a public dump, in or near woodlands or where fire may be communicated to such land, except when the ground is covered with snow, without first obtaining a written permit from the forest fire warden of the town where the burning is to be done unless it is in the presence of the warden or the warden's agent.

III. Permits for the burning of blueberry stands to increase their productivity and for the burning of waste materials of mills processing forest products may be granted by the forest ranger, provided such burnings are done under the surveillance of the land owner or the landowner's agent.

IV. Camp or cooking fires may be kindled only with written permission of the landowner or the landowner's agent and written permission of the forest fire warden of the town in which the fire is to be kindled and only at suitable times and in suitable places when the fire will not endanger woodlands; except in such towns as have adopted bylaws or regulations equally as stringent as provided in this paragraph. Camp or cooking fires may be built without written permission on public camp or picnic grounds when such areas are open for public use or private camp and picnic places where suitable fireplaces approved by the forest fire warden are provided for such fires. As used in this paragraph, a camp or cooking fire shall be a small fire suitable for cooking purposes used in connection with a camp, picnic or lunch purposes and does not include the burning of household rubbish, or large amounts of brush or other flammable material. Whoever shall kindle or cause to be kindled any such fire or use an abandoned fire in or near woodlands shall totally extinguish the same before leaving it and, upon failure to do so, such person or persons shall be subject to the same liabilities and penalties as prescribed in this section.

V. Any person causing or kindling a fire without permit of the forest fire warden, when such permit is required, and any person by whose negligence, or by the negligence of the person's agents, any fire shall be caused, shall be liable in a civil action for the payment to the town, or the state or the United States, or any or all of the same, of the expenses incurred by the forest fire warden or deputy warden in attending or extinguishing such fire. The items of expenses of the fire shall be approved in writing by the director.

VI. Every person who sets fire on any land, that runs upon the land of any other person, shall pay to the owner all damages done by such fire.

VII. Any person violating any provision of this section shall be guilty of a misdemeanor, and any person who causes or kindles a fire by any means, willfully or recklessly, which shall endanger a woodland shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

227-L:18 Flammable Material; Penalty.

I. No person, firm, or corporation shall place, drop, or throw any flammable waste material on, near, or adjacent to, a public highway or private way in any place where a fire starting or burning in such waste material is liable to be or may be communicated to woodlands. Whoever is found guilty of violating the provisions of this section shall be guilty of a violation.

II. The department, by notice in writing to both the operator and the owner, may require the removal or disposal of lumber, slash, or other flammable material wherever located when in the judgment of the department such lumber, slash, or flammable material constitutes an unusual hazard endangering other property through the setting or spreading of woodland fires.

227-L:19 Dropping Lighted Matches, etc; Penalty. No person shall drop or throw from any vehicle while the vehicle is upon a public highway or private way, or from any steam, gas or electric car where the right of way is adjacent to woodlands, or drop, throw or otherwise deposit on or near such woodlands except as permitted by law, any lighted match, cigar, cigarette, live ashes, or any other substance liable to cause a fire. Whoever is found guilty of violating the provisions of this section shall be guilty of a violation.

227-L:20 Suitable Exhaust Systems on Motorized Equipment; Penalty.

I. Any motorized vehicle, which does not bear a currently valid state inspection sticker, and other motorized equipment including generators operating in woodlands and which emits exhaust within 4 feet of the ground, shall be equipped with a suitable exhaust system which will inhibit the discharge of sparks and carbon deposits likely to cause fires. Baffled mufflers or spark arresters in good working order, tested and approved by the U.S. Forest Service or the director shall be deemed to meet these requirements. In the case of trucks, pickups, passenger cars, and motor bikes, primarily used for travel over gravel and other mineral soil roads, exhaust systems equivalent to original equipment are suitable. Any car, truck, or other vehicle that has been modified shall be required to have exhaust systems which are tight, have not been shortened excessively, and are directed away from the forest floor, or be equipped with a baffled muffler in good working condition.

II. Any such vehicle or equipment operating in woodlands, which, in the judgment of the director or the director's agent, presents an imminent danger of igniting a woodland fire, may be impounded by the director or the director's agent until equipped with a suitable exhaust system.

III. Any owner or operator who violates the provisions of this section shall be guilty of a violation.

IV. Any person who sells any new equipment or new vehicle covered by the provisions of this section that is not properly equipped shall be guilty of a violation.

#### Fire Control Payments

227-L:21 Fire Control Payments on Federal Lands.

I. The expenses lawfully incurred by a forest fire warden or other authorized local fire official in the extinguishment of woodland fires on the White Mountain National Forest or other federal land within the state under a cooperative forest fire protection agreement with the state computed at rates within limits established by the director and excluding the initial costs of firefighting equipment shall be paid in the first instance by the state.

II. The forest fire warden or other authorized local fire official shall render to the director a statement of expenses incurred in extinguishing woodland fires on the federal lands described in paragraph I, showing in detail the amount and character of the services performed including names, addresses, hours worked, dates, and recommended compensation for persons authorized for fire duty by the fire warden or other authorized local fire official, costs of food and other supplies, operating and repair expenses of motorized equipment, reimbursement costs for lost and damaged pumps, hose, tools, and other fire equipment and such other costs as may be actually incurred on such fire.

III. The director shall review such bills and, upon approval, shall forward them for payment to the state treasurer. The governor shall draw a warrant on the state treasury from money in the treasury not otherwise appropriated for the payment of such bills. Upon such payment, the director shall prepare and submit to the receiving federal agency appropriate vouchers for reimbursement to the state treasury of such costs paid by the state treasurer under this section.

IV. The director shall also prepare and submit to the receiving federal agency appropriate vouchers for reimbursement of salary and expenses of permanent and temporary employees who remain on the state payroll while on authorized duty on federal lands within the state under a cooperative forest fire protection agreement with the state, the actual cost of food and other supplies, operating and repair costs of motorized equipment, reimbursement for lost or damaged pumps, hose, tools, and other fire equipment and such other costs as may be actually incurred by the state on such cooperative fire assignment.

**227-L:22 Municipal Fire Control Payments; Apportionment of Expenses.**

I. The expenses of presuppression and suppression of woodland fires in municipalities, and other expenses lawfully incurred by wardens and deputy wardens of municipalities in preventing woodland fires, shall be borne equally by the municipality and the state, except as otherwise provided in this chapter, and except that when in any one municipal fiscal year the net total of sums required for the presuppression, suppression and prevention of woodland fires, excluding the initial cost of firefighting equipment, to be so borne by such municipality, computed at rates within limits established by the commissioner and the director, shall equal 1/4 of one percent of the latest equalized locally assessed valuation on such municipality, expenses incurred in excess of such sum shall be borne entirely by the state on the basis of the rate limits specified in this paragraph. The provisions of this section shall not apply to expenses incurred in fighting any woodland fire when, as determined by the commissioner, such fire was caused either by the negligence of the town or of its agents; or in cases in which there is negligence on the part of the town or its agents in collecting expenses from violators under RSA 227-L:17, V. Any determination of the commissioner under the provisions of the preceding sentence shall be subject to rehearing and appeal as provided in RSA 541.

II. The warden shall render to the selectmen or the mayor or the authorized city department, on blanks prepared by the director, a statement of the expenses under paragraph I, incurred by the municipality, or aiding municipality which had responded upon request, as soon as possible after they are incurred, showing in detail the amount and character of the services performed, including the costs of services rendered by volunteers, the exact duration of the service, and all disbursements made by the warden or wardens, and bearing the approval of the warden, and of the deputy warden if the expenses were incurred by the warden's authority.

III. Upon receipt of the statement, the selectmen of towns and mayors of cities, if the bill is approved, shall draw an order upon the treasurer for payment to each person employed of the amount of compensation due or to the warden for the total amount of the bill as approved, as the selectmen or mayor may determine. If payment is made to the warden, the warden shall forthwith pay to each person employed the amount of compensation due. The account of the warden shall be audited and included in the town report.

IV. Bills incurred in rendering aid to another town after having been paid in the first instance as prescribed in paragraph III shall, within 30 days of the date the aid was rendered, be presented for reimbursement to the town receiving the aid.

V. A duplicate bill, showing that the bill has been audited and paid by the municipality, shall be filed by the selectmen or the mayor with the director within 60 days of the date in which the expenses were incurred. If the director finds the expenses to be reasonable, the director shall forward the bill to the state treasurer as approved, and the governor shall draw a warrant on the state treasury in favor of the municipality for the portion of the bill for which the state is liable in accordance with the provisions of this section from any money in the treasury not otherwise appropriated. The state, however, shall not reimburse municipalities or unorganized places at a rate in excess of that established from time to time by the commissioner and the director, nor shall the state be responsible for reimbursement to municipalities for such bills upon failure to render the bills within 60 days of the date expenses were incurred.

VI. If any such bill is not paid by a municipality within 30 days from the date rendered by the warden, the director may investigate the cause and may issue an order for payment. Upon receipt of the order, the bill shall be paid forthwith by the municipality.

**227-L:23 State Fire Control Payments.**

I. When, in the opinion of the director, the expenses of fighting woodland fires in municipalities, and other expenses lawfully incurred by wardens and deputy wardens of municipalities in preventing forest fires, shall exceed an amount equal to 1/4 of one percent of the latest equalized locally assessed valuation on such municipality, the state may pay such bills in the first instance.

II. The town forest fire warden shall submit all bills for payment to the director, certifying on the bills that the bills were lawfully incurred and a proper charge.

III. Upon receipt by the director of the bills, the director shall approve the bills and forward them for payment to the state treasurer. The governor shall draw a warrant on the state treasury from money in the treasury not otherwise appropriated for the payment of the bills.

IV. The director shall thereafter bill the responsible municipality for its proportionate share of fire expenses together with any amounts found by the director to be in excess of the rates established by the commissioner and the director as provided in RSA 227-L:22, I. Upon receipt of the bill the municipality shall reimburse the state for the amount specified.

227-L:24 Unorganized Places Fire Control Payments.

I. The wardens and the deputy wardens in unorganized places shall render to the director a like statement of such expenses as they have lawfully incurred under this chapter in suppressing or preventing fires in woodlands within one month of the date upon which such expenses are incurred.

II. The statement shall be audited by the director, and, if approved, the director shall draw an order upon the state treasurer for the same.

III. The expenses lawfully incurred by a warden or deputy warden in presuppression, prevention and suppression of woodland fires in unorganized places, computed at rates within limits established by the department and excluding the initial cost of firefighting equipment, shall be paid in the first instance by the state. Any person causing or kindling a fire in an unorganized place without a permit from the forest fire warden and written permission of the woodland owner, if no previous arrangement exists between the forest fire warden and the woodland owner when such permit is required under RSA 227-L:17, I-III, and any person, by whose negligence or by the negligence of the person's agents any fires shall be caused, shall be liable to the state in a civil action for the payment of all expenses incurred in extinguishing the fire. If a fire results from unknown or natural causes, up to 1/2 of the costs, but in no case to exceed 10 percent of the assessed valuation of the property in the place, shall thereafter be added to the tax assessed the following year against the place in the same manner as is provided for the assessment of property taxes.

Northeastern Interstate Forest Fire Protection Compact

227-L:25 Authorization. The governor on behalf of this state is hereby authorized to enter into a compact, substantially in the following form, with any one or more of the states of Connecticut, Maine, New York, Rhode Island and Vermont and the Commonwealth of Massachusetts and with such other states of the United States or provinces of the Dominion of Canada as may legally join therein, and the legislature hereby signifies in advance its approval and ratification of such compact so entered into, such approval and ratification to be effective upon the filing of a copy of such compact in the office of the secretary of state.

227-L:26 Northeastern Interstate Forest Fire Protection Compact.

Article I. The purpose of this compact is to promote effective prevention and control of forest fires in the northeastern region of the United States and adjacent areas in Canada by the development of integrated forest fire plans, by the maintenance of adequate forest fire fighting services by the member states, by providing for mutual aid in fighting forest fires among the states of the region and for procedures that will facilitate such aid, and by the establishment of a central agency to coordinate the services of member states and perform such common services as member states may deem desirable.

Article II. This agreement shall become operative immediately as to those states ratifying it whenever any 2 or more of the states of Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York and the Commonwealth of Massachusetts have ratified it and the Congress has given its consent. Any state not mentioned in this article which is contiguous with any member state may become a party to this compact. Subject to the consent of the Congress of the United States, any province of the Dominion of Canada which is contiguous with any member state may become a party to this compact by taking such action as its laws and the laws of the Dominion of Canada may prescribe for ratification. In this event, the term "state" in this compact shall include within its meaning the term "province" and the procedures prescribed shall be applied in the instance of such provinces, in accordance with the forms and practices of the Canadian government.

Article III. Each state joining herein shall appoint 3 representatives to a commission hereby designated as the Northeastern Forest Fire Protection Commission. One shall be the state forester or officer holding an equivalent position in such state who is responsible for forest fire control. The second shall be a member of the legislature of such state designated by the commission or committee on interstate cooperation of such state, or if there be none, or if said

commission on interstate cooperation cannot constitutionally designate the said member, such legislator shall be designated by the governor thereof; provided that if it is constitutionally impossible to appoint a legislator as a commissioner from such state, the second member shall be appointed by the governor of said state in the governor's discretion. The third member shall be a person designated by the governor as the responsible representative of the governor. In the event that any province of the Dominion of Canada shall become a member of this commission, it shall designate 3 members who will approximate this pattern of representation to the extent possible under the law and practices of such province. This commission shall be a body corporate with the powers and duties set forth herein.

Article IV. It shall be the duty of the commission to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the prevention and control of forest fires in the area comprising the member states, to coordinate the forest fire plans and the work of the appropriate agencies of the member states and to facilitate the rendering of aid by the member states to each other in fighting forest fires. The commission shall formulate and, in accordance with need, from time to time, revise a regional forest fire plan for the entire region covered by the compact which shall serve as a common forest fire plan for that area. The commission shall, more than one month prior to any regular meeting of the legislature in any signatory state, present to the governor and to the legislature of the state its recommendations relating to enactments to be made by the legislature of that state in furthering the interests and purposes of this compact. The commission shall consult with and advise the appropriate administrative agencies of the states party hereto with regard to problems connected with the prevention and control of forest fires and recommend the adoption of such regulations as it deems advisable. The commission shall have power to recommend to the signatory states any and all measures that will effectuate the prevention and control of forest fires.

Article V. Any 2 or more member states may designate the Northeastern Forest Fire Protection Commission as a joint agency to maintain such common services as those states deem desirable for the prevention and control of forest fires. Except in those cases where all member states join in such designation for common services, the representatives of any group of such designating states in the Northeastern Forest Fire Protection Commission shall constitute a separate section of such commission for the performance of the common service or services so designated, provided that, if any additional expense is involved, the states so acting shall appropriate the necessary funds for this purpose. The creation of such a section as a joint agency shall not affect the privileges, powers, responsibilities or duties of the states participating therein as embodied in the other articles of this compact.

Article VI. The commission may request the United States Forest Service to act as the primary research and coordinating agency of the Northeastern Forest Fire Protection Commission, in cooperation with the appropriate agencies in each state and the United States Forest Service may accept the initial responsibility in preparing and presenting to the commission its recommendations with respect to the regional fire plan. Representatives of the United States Forest Service may attend meetings of the commission and of groups of member states.

Article VII. The commission shall annually elect from its members a chairperson and a vice-chairperson. The commission shall appoint such officers or employees as may be required to carry the provisions of this compact into effect, shall fix and determine their duties, qualifications and compensation, and may at its pleasure, remove or discharge any such officer or employee. The commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one or more offices for the transaction of its business and may meet at any time or place but must meet at least once a year. A majority of the members of the commission representing a majority of the signatory states shall constitute a quorum for the transaction of its general business, but no action of the commission imposing any obligation on any signatory state shall be binding unless a majority of the members from such signatory state shall have voted in favor thereof. For the purpose of conducting its general business, voting shall be by state units. The representatives of any 2 or more member states, upon notice to the chairperson as to the time and purpose of the meeting, may meet as a section for the discussion of problems common to those states. Sections established by groups of member states shall have the same powers with respect to officers, employees and the maintenance of offices as are granted by this article to the commission. Sections may adopt such rules, regulations and procedures as may be necessary for the conduct of their business.



Article VIII. It shall be the duty of each member state to formulate and put in effect a forest fire plan for that state and to take such measures as may be recommended by the commission to integrate such forest fire plan with the regional forest fire plan. Whenever the state forest fire control agency of a member state requests aid from the state forest fire control agency of any other member state in combating, controlling or preventing forest fires, it shall be the duty of the state forest fire control agency of that state to render all possible aid to the requesting agency which is consonant with the maintenance of protection at home. Each signatory state agrees to render aid to the forest service or other agencies of the government of the United States in combating, controlling or preventing forest fires in areas under their jurisdiction located within the member state or a contiguous member state.

Article IX. Whenever the forces of any member state are rendering outside aid pursuant to the request of another member state under this compact, the employees of such state shall, under the direction of the officers of the state to which they are rendering aid, have the same powers (except the power of arrest), duties, rights, privileges and immunities as comparable employees of the state to which they are rendering aid. No member state or its officers or employees rendering outside aid pursuant to this compact shall be liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith. All liability that may arise either under the laws of the requesting state or under the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state. Any member state rendering outside aid pursuant to this compact shall be reimbursed by the member state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries, and maintenance of employees and equipment incurred in connection with such request. Provided, that nothing herein contained shall prevent any assisting member state from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such services to the receiving member state without charge or cost. Each member state shall provide for the payment of compensation and death benefits to injured employees and the representatives of deceased employees in case employees sustain injuries or are killed while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such state. For the purposes of this compact the term employee shall include any volunteer or auxiliary legally included within the forest fire fighting forces of the aiding state under the laws thereof. The commission shall formulate procedures for claims and reimbursement under the provisions of this article. Aid by a member state to an area subject to federal jurisdiction beyond the borders of such state shall not be required under this compact unless substantially the same provisions of this article relative to powers, liabilities, losses and expenses in connection with such aid are embodied in federal laws.

Article X. When appropriations for the support of this commission or for the support of common services maintained by the commission or a section thereof under the provisions of article V are necessary, the commission or section thereof shall allocate the costs among the states affected with consideration of the amounts of forested land in those states that will receive protection from the service to be rendered and the extent of the forest fire problem involved in each state, and shall submit its recommendations accordingly to the legislatures of the affected states. The commission shall submit to the governor of each state, at such time as the governor may request, a budget of its estimated expenditures for such period as may be required by the laws of such state for presentation to the legislature thereof. The commission shall keep accurate books of account, showing in full its receipts and disbursements, and said books of account shall be open at any reasonable time to the inspection of such representatives of the respective signatory states as may be duly constituted for that purpose. On or before the first day of December of each year, the commission shall submit to the respective governors of the signatory states a full and complete report of its activities for the preceding year.

Article XI. The representatives from any member state may appoint and consult with an advisory committee composed of persons interested in forest fire protection. The commission may appoint and consult with an advisory committee of representatives of all affected groups, private and governmental.

Article XII. The commission may accept any and all donations, gifts and grants of money, equipment, supplies, materials and services from the federal or any local government, or any

agency thereof and from any person, firm or corporation, for any of its purposes and functions under this compact, and may receive and utilize the same subject to the terms, conditions and regulations governing such donations, gifts and grants.

Article XIII. Nothing in this compact shall be construed to authorize or permit any member state to curtail or diminish its forest firefighting forces, equipment, services or facilities, and it shall be the duty and responsibility of each member state to maintain adequate forest firefighting forces and equipment to meet normal demands for forest fire protection within its borders. Nothing in this compact shall be construed to limit or restrict the powers of any state ratifying the same to provide for the prevention, control and extinguishment of forest fires, or to prohibit the enactment or enforcement of state laws, rules or regulations intended to aid in such prevention, control and extinguishment in such state. Nothing in this compact shall be construed to affect any existing or future cooperative relationship or arrangement between the United States Forest Service and a member state or states.

Article XIV. This compact shall continue in force and remain binding on each state ratifying it until the legislature or the governor of such state takes action to withdraw therefrom. Such action shall not be effective until 6 months after notice thereof has been sent by the chief executive of the state desiring to withdraw to the chief executives of all states then parties to the compact.

227-L:27 When Effective. When the governor shall have executed said compact on behalf of this state and caused a certified copy thereof to be filed in the office of the secretary of state, as required by RSA 227-L and said compact shall have been ratified by one or more of the states named in article II thereof in accordance with the constitution of such state or states of the United States or provinces of the Dominion of Canada, in accordance with the laws of Canada, then said compact shall become operative and effective as between this state and such other state or states of the United States or provinces of the Dominion of Canada. The governor is hereby authorized and directed, upon the execution of said compact by the governor and filing of the required copy thereof in the office of the secretary of state, to notify forthwith the governors of the said named states and the President of the United States, that the state on its part has ratified said compact; or in the instance of a province of the Dominion of Canada the proper officials of that province and that dominion through the United States Secretary of State. The original notice of ratification received from the governor or other duly authorized official of any state or province joining in said compact shall be filed with the official copy of said compact in the office of the secretary of state, and such notice, if any, as may be received from the President or the Congress of the United States, signifying the consent of the congress to said compact, shall be filed in the same manner.

227-L:28 Commission. After the aforesaid compact shall become operative and effective as provided for in RSA 227-L:27, the governor shall appoint 3 members hereinafter called commissioners of the Northeastern Forest Fire Protection Commission. One of such commissioners shall always be the director of the division of forests and lands, department of resources and economic development, the second shall be a member of the legislature, and the third shall be a citizen of the state designated by the governor as a responsible representative to serve at the pleasure of the governor.

227-L:29 Compensation. The commissioners shall serve without compensation but shall be reimbursed for their actual expenses incurred in the performance of their duties.

227-L:30 Report. The commissioners on the part of the state shall keep accurate accounts of all receipts and disbursements and shall report to the governor on or before the seventh day of January annually, setting forth in detail the transactions of the commission during the preceding calendar year, and shall include in said report recommendations for any legislative action that the commission deems advisable, including such amendments or additions to the laws of the state as may be necessary or desirable to carry out the intent and purposes of the northeastern interstate forest fire protection compact.

227-L:31 Powers. There is hereby granted to the commission and the commissioners thereof all the powers provided for in the said compact and all the powers necessary or incidental to the carrying out of said compact in every particular. All officers of the state of New Hampshire are hereby authorized and directed to do all things falling within their respective provinces and jurisdiction necessary or incidental to the carrying out of said compact in every particular; it

being hereby declared to be the policy of the state of New Hampshire to perform and carry out the said compact and to accomplish the purposes thereof and to execute a compact on behalf of the state of New Hampshire with any one or more of the states of Maine, Vermont, Connecticut, Rhode Island and New York and the commonwealth of Massachusetts and with such other states of the United States or provinces of the Dominion of Canada as may legally join therein. All officers, bureaus, departments and persons of and in the state government or administration of the state of New Hampshire are hereby authorized and directed at convenient times and upon request of the said commission to furnish the said commission with information and data possessed by them or any of them and to aid said commission by any means lying within their legal rights respectively.

**227-L:32 Payment by State.** Upon recommendation of the director of the division of forests and lands, department of resources and economic development, and upon warrant of the governor with the approval of the council, the state treasurer shall pay out of any money in the treasury not otherwise appropriated to any state giving aid within the state under this chapter, such sums as shall be due under the terms of this chapter.

**227-L:33 Reimbursement by Towns.** Each town receiving aid under the provisions of this chapter shall reimburse the state for payments made by the state under RSA 227-L:32 in the same proportion and to the same extent that such town would be required under RSA 227-L:22 to bear such expense if it had been incurred within the state.

**227-L:34 Reimbursement Procedure.** When the state has made any payment under RSA 227-L:32, the director of the forests and lands shall, in writing, notify all towns involved, of the amount of their liability as provided in RSA 227-L:33, and within 60 days of the receipt of such notice, the respective towns shall remit the amount due to the state treasurer.

**227-L:35 Distribution to Towns.** When the state receives payment from another state for aid given by towns under the provisions of this chapter, the director of the division of forests and lands shall advise the state treasurer the amount due each town involved, and the state treasurer shall distribute the amounts due, to the respective towns. The governor is hereby authorized to draw a warrant for the respective amounts due.

2 Reference Changed. Amend RSA 6:12, I(j) to read as follows:

(j) Revenues from fees, rentals and the sale of products from lands under the jurisdiction of the department of resources and economic development, which shall be credited as provided under RSA [219] **227-G**.

3 Reference Changed. Amend RSA 6:12, I (bbb) to read as follows:

(bbb) Moneys received by the department of resources and economic development for the forest management and protection fund established under RSA [219:14-a] **227-G:5**.

4 Reference Changed. Amend RSA 12-A:1-d to read as follows:

**12-A:1-d Police Powers.** The commissioner of the department of resources and economic development, the director of the division of parks and recreation, and the director of the division of forests and lands shall have authority as peace officers as provided in RSA 594 and may confer said authority upon certain individuals within the department of resources and economic development, the division of parks and recreation and the division of forests and lands. Said police powers shall be limited to the enforcement of state laws and rules [and regulations] of the department of resources and economic development on lands or property owned by, leased to, or otherwise under the control of the department of resources and economic development. Nothing herein shall limit the police powers of employees of the department of resources and economic development as provided for in RSA [224:26] **227-G:7** and RSA 215-A:16 and 17.

5 Reference Changed. Amend RSA 12-A:2-c, I to read as follows:

I. The commissioner shall adopt rules under RSA 541-A governing use by the public of state forests, parks, or any other land or buildings operated by the department of resources and economic development. This shall include, but not be limited to, the commissioner's responsibilities under RSA 216 and [219] **227-H**.

6 Reference Changed. Amend RSA 21-J:9, I(c).

(c) Appraising state-owned forest and recreation land under RSA [219] **227-H** and RSA 216-A.

7 Reference Changed. Amend RSA 153:4-a, I to read as follows:

I. The state fire marshal shall have the power to approve, disapprove or allow exceptions to any fire safety rule of any state agency except fire safety rules established under RSA [224.

He] **227-L. The state fire marshal** shall be responsible for supervising and enforcing all laws of the state relative to the protection of life and property from fire, fire hazards and related matters, and for certifying private firefighting units. [He] **The state fire marshal** shall also assist the several counties, cities, towns, village districts and precincts in supervising and enforcing local laws, bylaws and ordinances where existent, relative to (a) the prevention of fires; (b) the storage, sale and use of combustibles; (c) the installation and maintenance of automatic or other fire alarm systems and fire extinguishing equipment; (d) the construction, maintenance and regulation of fire escapes; (e) the means and adequacy of exit, in case of fire, from factories, asylums, hotels, hospitals, churches, schools, halls, theaters, amphitheaters, nursing and convalescent homes, and all other places in which numbers of persons work, live or congregate from time to time for any purpose; (f) the investigation of the cause, origin and circumstances of fires; and (g) the transportation, storage and physical handling of flammable liquids and gases which he believes dangerous to the lives or safety of the citizens of the state.

8 Reference Changed. Amend RSA 154:2, I to read as follows:

I. Except as provided in RSA [224] **227-L** and this chapter, the firewards, fire engineers and fire chiefs shall have the authority and the control of all firefighters and officers and all fire apparatus and other equipment designed or used for the extinguishment of fire or the control of other emergencies in the town or city, and of all persons whose duty it is to aid in extinguishing fires.

9 Reference Changed. Amend RSA 154:30-g to read as follows:

154:30-g Definition. The term "private fire department" as used [herein] **in this subdivision** shall include fire organizations operated by industries and establishments for self-protection and also nonprofit volunteer fire associations. Nothing contained in this subdivision shall be construed to interfere with the exclusive jurisdiction vested by law in the director, division of forests and lands, department of resources and economic development, and [his] **the director's** subordinates over forest fires as provided in RSA [224] **227-L**, nor to affect the laws governing prevention or extinguishment of forest fires.

10 Reference Changed. Amend RSA 215-A:12, V to read as follows:

V. No person shall operate in this state any trail bike or other OHRV which is designed, constructed and sold solely for closed-course competition and is without a headlight and a tail-light. The provisions of this paragraph shall not apply to trail bikes or OHRVs operated at approved OHRV competitions, or when the exhaust system is modified to comply with the provisions of RSA 215-A:12, IV and RSA [224:52] **227-L:20**.

11 Reference Changed. Amend RSA 216-I:9, V to read as follows:

V. Recreational campground or camping park owners or operators or their agents shall obtain a fire permit as required pursuant to RSA [224] **227-L**.

12 Reference Changed. Amend RSA 231:59-G, IV to read as follows:

IV. A declaration under this section may be rescinded or disregarded at any time without notice. This section shall not be construed to create any duty or liability on the part of any municipality toward any person or property. Utilization of this section shall be at the sole and unfettered discretion of a town and its officials, and no landowner or any other person shall be entitled to damages by virtue of the creation of emergency lanes, or the failure to create them, or the maintenance of them, or the failure to maintain them, and no person shall be deemed to have any right to rely on such maintenance. This section shall not be deemed to alter the classification or legal status of any highway or private way, or to limit or restrict the authority of towns to regulate the use of class VI highways pursuant to such statutes as RSA 41:11, RSA 236:9-13, and RSA 674:41, or to authorize any person to pass over any private way when permission has been denied. This section shall not be deemed to alter the duties or powers of any party under RSA [224] **227-L** concerning forest fires.

13 References Changed. Amend RSA 281-A:2, VII(d) to read as follows:

(d) Any person who fights a forest or other type of fire and who is either voluntarily under the direction of those authorized to give direction in the fighting of fires or who is under statutory compulsion to fight fires pursuant to RSA [224:11] **227-L:11** and [12] **227-L:13**, or RSA 154:7, 8, and 9. For the purposes of this chapter, such a person shall be deemed to be an employee of the state with respect to fires fought under the provisions of RSA [224] **227-L** and deemed to be an employee of the municipality in which the fire is fought with respect to fires fought under the provisions of RSA 154.

14 Reference Changed. Amend RSA 430:8 to read as follows:

430:8 Interpretation. Nothing in the subdivision shall be construed to affect the provisions of RSA [223] **227-K** relating to the control [and eradication of the white pine blister rust] *of forest insect and disease infestations*.

15 References Changed. Amend RSA 434:59, I and II to read as follows:

I. For the purposes of this subdivision, "native lumber" means wood processed in the state of New Hampshire by mills registered in accordance with the provisions of RSA [224-A] **227-I**. Such wood shall be considered certified or stamped in accordance with the requirements of this section.

II.(a) Notwithstanding any provision of law to the contrary, a mill registered in accordance with RSA [224-A] **227-I** selling native lumber shall, when required, certify in writing to the purchaser on a form approved by the commissioner of agriculture that the quality and safe working stresses of the lumber are equal to or better than No. 2 grade in accordance with the conditions set forth in the American Softwood Standard PS 20-70, or as amended, provided that lumber for use in load bearing wall members shall be of stud grade minimum. The certificate shall include wood species, quantity, location of use, green or dry, sawmill name, name of permitted grader and date. The certification shall be filed with the local building official having jurisdiction as part of the building permit application.

(b) Notwithstanding subparagraph (a), a mill registered in accordance with RSA [224-A] **227-I** selling native timber may stamp such timber.

16 Language Added. Amend the introductory paragraph of RSA 483-B:9, V to read as follows:

V. The following minimum standards shall apply to the protected shoreland provided that *forest management not associated with shoreland development nor land conversion and conducted in compliance with RSA 227-J:9*, forestry[,], involving water supply reservoir watershed management, or agriculture conducted in accordance with best management practices, shall be exempted from the provisions of this chapter:

17 Language Added. Amend RSA 539:3 to read as follows:

539:3 **Damages to Fences; Penalty.** Whoever shall [wilfully and unlawfully] *knowingly* throw down, *damage* or leave open any fence, gate or bar belonging to or enclosing land held in common, or belonging to another person, or shall aid [therein] *in such act*, shall forfeit to the person injured treble damages, and shall be guilty of a violation.

18 References Changed. Amend RSA 1991, 355:106, as amended by 1993, 358:1, to read as follows:

355:106 Loss of Taxes. The commissioner of revenue administration shall compute the payment for lost taxes under RSA [219:32] **227-H:17** as follows:

I. Add together the high and low value of the "all other" range of values within the forest land category, as set by the current use advisory board pursuant to RSA 79-A, then divide by 2 to arrive at the per acre value;

II. Multiply the per acre value by the number of acres on which application for loss of taxes is made, to arrive at the total assessment, to be further adjusted by the equalization ratio;

III. Multiply the assessment by the local municipal tax rate to arrive at the payment due to the town, reduced in accordance with RSA [219:29] **227-H:14**, and adjusted for equity in accordance with RSA [219:33] **227-H:18**.

19 Repeal. The following are repealed:

I. RSA 31:114, relative to the director of forests and lands.

II. RSA 216:4, relative to expenditure of federal funds.

III. RSA 216-E, relative to the Gile Forest.

IV. RSA 216-G, relative to the Pine River State Forest.

V. RSA 218:5, relative to duties of the director of forests and lands.

VI. RSA 218:7-15, relative to various duties of the director of forests and lands.

VII. RSA 219:1-6, 7-a, 8, and 9, relative to state reservations and nurseries.

VIII. RSA 219:11-a and 11-b, relative to privileges and concessions and recording of contracts.

IX. RSA 219:13, 14 and 14-a, relative to accommodations and the forest improvement fund and the forest management and protection fund.

X. RSA 219:16-18, relative to state forest nursery and seedlings.

XI. RSA 219:22 - 24-a, relative to the expenditure of funds received from the United States.

XII. RSA 219:26-35, relative to expenditure of funds and exchange for lands.

XIII. RSA 219-A, relative to the retention of certain state-owned lands.

XIV. RSA 220, relative to the forest resources planning act.

XV. RSA 221, relative to reforestation of land.

XVI. RSA 223, relative to white pine blister rust.

XVII. RSA 224, relative to forest and brush fires and preventive measures.

XVIII. RSA 224-A, relative to wood processing mills.

XIX. RSA 226, relative to the northeastern interstate forest fire protection compact.

XX. RSA 539:1, 2 and 3-a, relative to injury to another person's forest products or mill logs.

20 Effective Date. This act shall take effect January 1, 1996.

Adopted.

Report adopted and ordered to third reading.

**HB 297**, allowing commercial or industrial businesses located in New Hampshire to obtain special competitive electric rates in certain circumstances. RE-REFER TO COMMITTEE

Rep. Lawrence J. Guay for Science, Technology and Energy: This legislation needs to be evaluated by the Public Utilities Commission Roundtable and the proposed legislative committees that are looking at the issues of wheeling and restructuring of all electric utilities. The committee also wishes to look at the statutes and regulations pertaining to the subject matter. Vote 16-1.

Adopted.

**HB 380**, to legalize the substitution of metric equivalents for any English system value expressed in state motor vehicle laws. RE-REFER TO COMMITTEE

Rep. Stanley W. Peters for Science, Technology and Energy: The committee found this bill not necessary at this time. Re-referral would allow us to react to new Federal regulations, with regard to metric conversions, if necessary. Vote 14-2.

Adopted.

**HB 402**, establishing a committee to study the regulation of electric utilities. OUGHT TO PASS WITH AMENDMENT

Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: The amendment expands the scope of the study committee to include retail wheeling, restructuring, other forms of competitive electricity prices, and alternatives to the current system of regulation of electric utilities. The committee believes that all of these issues should be carefully examined after the Public Utility Commission Roundtable has concluded this Spring. Vote 15-0.

### Amendment (1663L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing a committee to study issues related to retail  
wheeling and electric utility industry restructuring.

Amend the bill by replacing all after the enacting clause with the following:

#### 1 Findings.

I. The general court finds that the business of generating, transmitting and selling electricity for ultimate distribution to consumers within the state of New Hampshire is a matter of public interest, and that reasonable, competitive electricity prices are necessary to promote the public health, safety, and economic welfare. Compared with consumers in other states, New Hampshire electricity consumers pay significantly higher electricity prices, creating economic dislocations and hardships, including loss of jobs. If continued, the present de facto negotiation of special case rate reductions for large electricity consumers increases the pressure for an ultimate cost shift to smaller consumers. The general court also finds that retail wheeling may provide a basis for determination of electricity price levels that relies to a greater extent upon competition than upon regulation. There are no apparent insurmountable technical barriers to the establishment of retail wheeling in New Hampshire.

II. The general court further finds that New Hampshire's economy may be further handicapped if it lags behind other states in considering retail wheeling. While retail wheeling ap-

pears to be a highly desirable electricity market paradigm, there are significant uncertainties, some unique to New Hampshire, that must be taken into account when determining a state policy for retail wheeling. Therefore, it is the purpose of this act to provide sufficient information to legislators so that they may make recommendations to the general court regarding legislation for the 1996 session.

III. The general court further finds that New Hampshire's economy may also benefit from studying the effectiveness of the current system of regulation of electric utilities, investigating alternative forms of service, and studying ways of restructuring the electric utility industry.

2 Retail Wheeling and Restructuring Committee Established; Members. There is hereby established a committee to review and study the issues of retail wheeling and potential restructuring of the electric utility industry in New Hampshire. The members of the committee shall be as follows:

I. Five senators, appointed by the president of the senate, at least one of whom shall be a member of the minority party. The president shall first consider for appointment the senators currently appointed to the public utilities commission roundtable on competition in the electric industry.

II. Eight house members, appointed by the speaker of the house, at least two of whom shall be a member of a minority party. The speaker shall first consider for appointment the house members currently appointed to the public utilities commission roundtable on competition in the electric industry.

3 Retail Wheeling Defined. For the purposes of this act "retail wheeling" or "direct access" means a commercial transaction arrangement by which a retail electricity consumer contracts with a remote electric supplier to transmit energy through the electrical distribution system of the local utility to which the customer is connected. The local utility physically continues to provide electric service to the retail consumer, who pays the local utility a regulated fee for the retail wheeling and distribution services provided, and who pays the remote supplier for the electricity in an unregulated market.

#### 4 Duties.

I. The committee shall be responsible for the following:

(a) Soliciting information and the viewpoints of all affected and involved parties which shall include but not be limited to:

- (1) The public utilities commission.
- (2) Large and small utilities.
- (3) Independent power producers.
- (4) Large business electricity consumers.
- (5) Small business electricity consumers.
- (6) Residential consumers.
- (7) Legislators.
- (8) Regulatory personnel from states having enacted or contemplating retail wheeling legislation.

(b) Retaining an expert consultant to assist in gathering, interpreting, and summarizing information for presentation in forms usable to all members of the house and senate and to the citizens of New Hampshire to be selected by members of the committee.

(c) Reviewing regulatory pricing mechanisms for the unbundled costs of necessary transmission and distribution.

(d) Reviewing the potential for the mitigation of cross subsidization among services and classes of consumers.

(e) Reviewing the environmental and conservation related effects of retail wheeling.

(f) Reviewing the reliability of retail wheeling and the impact of retail wheeling on electric service quality, reliability, and adequacy.

(g) Reviewing the regulatory transition plan and timing and sequencing of consumer access to wheeled power.

(h) Reviewing the following relative to retail wheeling:

- (1) Power dispatch and the impact on New England Power Pool, (NEPOOL) operations.
- (2) Independent power producers and Public Utilities Regulatory Policy Act (PURPA).
- (3) Demand side management, integrated resource planning, and least cost planning.

- (4) The deferral accounts created in the 1989 rate agreement defined in RSA 362-C:2, I and the acquisition premium.
- (5) Regulatory assets.
- (6) Stranded costs recovery, if recoverable, and how and how much.
- (7) Economic impact on the state and differing impacts on electricity consumers by class.
- (8) Social costs of deregulation and the fate of present low-income subsidies.
- (9) Special case reduced rate contracts.
- (10) Suggested public utilities commission generic ratemaking and rulemaking, which shall include the unbundling of the transmission, distribution, and generation cost components of present rates.
- (11) Property tax and municipal infrastructure assessment issues.
- (12) Sources of new capacity.
- (13) Federal laws, including laws of the federal Energy Regulatory Commission.
- (14) Litigation risks.
- (15) Other states' legislation and experience with retail wheeling.
- (i) Reviewing the effectiveness of the current system of regulation of electric utilities.
- (j) Examining possible alternative forms of regulation and related restructuring of electric utility industry in New Hampshire.
- (k) Reviewing public policy issues relating to municipalization.
- (l) Reviewing possible interim measures to foster increased competition.

II. The committee shall draw upon the final report and information gathered by the public utilities commission roundtable on competition in the electric industry so as to avoid duplication of effort and resources.

5 Administrative Support. The president of the senate and speaker of the house shall ensure that the committee is properly provided with secretarial help, legal counsel, and an administrative assistant.

6 Meetings; Mileage. The first-named house member shall call the first meeting within 30 days of the effective date of this act. The members shall elect a chairperson at the first meeting. Members shall receive legislative mileage.

7 Report. The committee shall submit a interim or final report of its findings, including recommendations for legislation, to the speaker of the house, the senate president, the house clerk, the senate clerk, the governor, and the state library, no later than November 1, 1995.

8 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a committee to examine issues related to retail wheeling and restructuring. The members of the committee shall be 5 senators and 8 house members. The committee would be required to submit an interim or final report no later than November 1, 1995.

Adopted.

Report adopted and ordered to third reading.

**HB 607-FN**, decreasing the waiver amounts necessary for the owner of a vehicle to be issued a certificate of exemption under the motor vehicle emissions laws and exempting 1974 and older model vehicles from the emissions laws. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb Bradley for Science, Technology and Energy: Due to sound judgment exercised by the Department of Safety, Department of Environmental Services, and Department of Justice, New Hampshire has not implemented a contract for centralized auto-emissions testing. Other states have awarded such contracts, and may well have to make restitution to vendors who have built test stations and hired personnel. Therefore, New Hampshire is in a good position to take advantage of regulatory flexibility being recently offered by the EPA. This bill seeks to implement many changes to the emissions testing statute that will lessen the burden on motorists while increasing convenience. These changes include: beginning testing with model year 1980 instead of 1968, exempting new cars from the test for 4 years rather than 2, not testing vehicles more than 20-years-old, and lowering the required expenditure for receipt of a waiver from \$450 to \$250 for the first two years of the program. As there are still many uncertainties with regard to what the EPA will eventually allow, this bill enacts an overall program delay until at least April



1, 1996. This bill also gives the Department of Safety authority to create a decentralized program (either independently or on a franchised basis) or a vehicle targeting and remote sensing program if those options are ultimately approved by the EPA. Vote 17-0.

### Amendment (1691L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to the motor vehicle inspection and maintenance program.

Amend the bill by replacing all after the enacting clause with the following:

#### 1 Statement of Purpose.

I. The purpose of this act is to provide New Hampshire with the opportunity to respond to changes which may be necessary and appropriate in the motor vehicle emissions inspection and maintenance program. The program established in 1993, 353:2, was designed to comply with United States Environmental Protection Agency enhanced inspection and maintenance program requirements as they then existed. The United States Environmental Protection Agency is in the process of modifying those requirements in order to provide increased flexibility in the implementation of the program. Further, New Hampshire has recently demonstrated improvements in its air quality and has indicated to the Environmental Protection Agency its intent to pursue redesignation for its ozone non-attainment areas. For these reasons, the program scheduled in 1993, 353:2, to commence January 1, 1995, must be delayed. Further, this act provides that the commissioner of the department of safety, in consultation with the commissioner of the department of environmental services, may examine alternatives to the program established in 1993, 353:2 which enhance consumer convenience, and provides provisional authority to implement such an alternative program.

II. The general court reaffirms the findings and purpose statements contained in 1992, 237:1 and 1993, 353:2.

2 Transfer of Emissions Certificate to New Owner. Amend RSA 261:72-a, I to read as follows: 261:72-a Emissions Certificate Required.

I. [As of January 1, 1995,] *Not later than July 1, 1997, or the commencement of the emissions inspection program, whichever is first*, the registration of any vehicle subject to emissions inspection, as determined by RSA 268:2, XX, which was either scheduled for a biennial emissions inspection or was registered to a new person, shall be suspended unless a certificate of compliance or a certificate of exemption [issued for the vehicle within the previous 90 days was either] *is presented either*:

#### (a) *For the renewal of registration:*

(1) [Presented] At the time of registration to the department or a municipal agent authorized under RSA 261:74-a through 261:74-g *that was issued within the previous 90 days*; or

[(b) Presented] (2) Not later than 45 days after the date of registration to the department or authorized agent. The registrant shall be provided at the time of registration with a notice of emissions inspection deficiency detailing the necessary steps to come into compliance and any enforcement action that the registrant may be subject to. The department shall send to the registrant a final notice of emissions inspection deficiency at approximately 20 days from the date of registration if the vehicle is still in noncompliance. The final notice shall state that on the date 45 days from the date of registration the vehicle's registration shall be automatically suspended and the vehicle plates shall be subject to confiscation by the department, without further notice, unless compliance is demonstrated before such date.

#### (b) *For a vehicle registration to a new owner:*

(1) *As provided for in RSA 261:72-a, I(a); or*

(2) *At the time of registration to the department or a municipal agent authorized under RSA 261:74-a through 261:74-g that was presented or obtained by the previous vehicle owner and that was issued within the previous 12 months.*

3 Definition Modified. Amend RSA 268:2, XXII to read as follows:

XXII. "Vehicle" means a gasoline powered motor vehicle, excluding motorcycles, mopeds and tractors, individually registered under RSA 261 for operation on the public ways of the state that is less than or equal to 26,000 pounds manufacturer's gross weight vehicle rating and which is a [1968] 1980 or newer model.

4 New Subparagraphs; Exemption Added. Amend RSA 268:4, II by inserting after subparagraph (d) the following new subparagraphs:

(e) Vehicles more than 20 years old when comparing the model year to the current calendar year.

(f) Vehicles less than 4 years old when comparing the model year to the current calendar year.

5 Delay Start-Up. Amend RSA 268:5, I to read as follows:

1. [As of January 1, 1995,] *The commissioner shall establish a date not earlier than April 1, 1996, and not later than July 1, 1997, after which* all subject vehicles shall undergo biennial emissions inspection as a requirement of vehicle registration under RSA 261. The department shall contract, in accordance with the provisions of RSA 268:10, with one or more private entities to perform all emissions inspections on subject vehicles at emissions inspection stations. A contractor *of a centralized network* may not repair any vehicles, nor recommend to vehicle owners any persons or businesses that provide repair services.

6 Vehicle Emissions Inspection; Certificate of Exemption; Waiver Amount Decreased. Amend RSA 268:6, I(a) to read as follows:

(a) *For the first 2 years of the inspection program, the owner has spent at least \$250 on emissions-related repairs and the vehicle still does not pass emissions inspection and after the first 2 years of the inspection program* the owner has spent at least the amount on emissions-related repairs that is required for a waiver by federal law and the vehicle still does not pass emissions inspection. Tampering-related repairs and repairs covered under warranty shall not count toward the waiver amount.

7 New Paragraph; Certain Sales Exempted from Revocation. Amend RSA 268:19, V to read as follows:

V. This section shall not apply to:

(a) Wholesale vehicle transactions;

(b) *A contract of sale for a used subject vehicle which is entered into "as is" or "with all faults" pursuant to RSA 382-A:2-316(4); or*

(c) *A consumer-to-consumer vehicle transaction.*

8 Authority to Implement Alternative Program. RSA 268:22 is repealed and reenacted to read as follows:

268:22 Authority to Implement Alternative Program.

I. The commissioner is authorized, after public hearing and consultation with the commissioner of the department of environmental services and the auto emissions advisory committee, house science technology and energy committee, and the senate environment committee, and approval of the governor and council, to adopt rules which establish an alternative to the motor vehicle inspection and maintenance program established in this chapter. Such an alternative may include, but shall not be limited to, decentralized, hybrid decentralized and centralized, franchised, vehicle targeting and remote sensing or other emissions inspection program, or some combination thereof.

II. Any such alternative program shall provide increased consumer convenience when compared with the program established by this chapter and may include inspections on a biennial or other basis. Such an alternative program shall be administered and enforced by the department.

III. Any such alternative program shall include at a minimum the following provisions, which may be modified, except as to the department responsible, as necessary and appropriate to meet or exceed the objectives set forth therein:

(a) The consumer protection provisions in RSA 268:8.

(b) The public education provisions in RSA 268:9.

(c) The program evaluation provision in RSA 268:14, III.

(d) The emissions standards and inspection requirements provisions set forth in RSA 268:3.

(e) The mechanic certification and monitoring provisions set forth in RSA 268:13.

(f) The quality assurance and quality control provisions set forth in RSA 268:15.

IV. Any such alternative program shall comply with the Clean Air Act and shall be approvable by the United States Environmental Protection Agency and be consistent with the state implementation plan.

9 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill:

I. Decreases the waiver amounts necessary for the owner of a vehicle to be issued a certificate of exemption under the motor vehicle emissions laws.

II. Exempts pre-1980 vehicles and vehicles less than 4 years old from the emissions laws.

III. Delays the start-up of the motor vehicle inspection and maintenance program.

IV. Permits the commissioner of safety to establish an alternative motor vehicle inspection and maintenance program.

V. Permits persons to sell certain nonconforming vehicles without the contract being subject to revocation.

VI. Allows transfer of emissions certification to a new owner of a subject vehicle.

Adopted.

Report adopted and ordered to third reading.

Rep. Showerman declared a conflict of interest and did not participate.

**HCR 1**, calling for a federal constitutional convention to propose an amendment to the United States Constitution prohibiting unfunded federal mandates. RE-REFER TO COMMITTEE

Rep. Sharleene P. Hurst for State-Federal Relations: The Majority of the Committee believes the resolution has some merit but had concerns about the ability of the legislation to limit the scope of a Federal Constitutional Convention. We would like additional time to work on this resolution and to examine a similar bill that is coming over to us from the Senate. Vote 9-4.

Adopted.

**HB 101**, increasing the age that child passenger restraints are required from 12 years of age to 18 years of age. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Reps. George N. Katsakiores, Sherman A. Packard & Henry P. Mock for the Majority of the Committee on Transportation: The Majority felt that the citizens of our state are fed up with mandatory requirements affecting their safety and lives. The feeling was that voluntary seatbelt usage in New Hampshire has risen to 54 percent compliance, and also if a child has not learned the practice and the benefits of seatbelt usage by the age of 12, adding another four years of mandatory usage during the turbulent teenage years was fruitless. Where do we stop trying to mandate that persons protect their own lives? Helmets for all skiers? Helmets for all bicyclists? Life preservers for all swimmers? What next? Vote 10-7.

Rep. Fred A. Kruse for the Minority of the Committee on Transportation: The Minority feels passage of this bill as amended would save lives and reduce health care costs. It would raise the age of required seat belt use from age 12 to 16 and is a reasonable measure that has precedent. After all, we require individuals under age 18 to wear motorcycle helmets and prohibit those under age 21 from consuming alcoholic beverages.

Rep. Cloutier spoke against and yielded to questions.

Reps. Sherman Packard and Mock spoke in favor.

Rep. Robertson spoke against.

Rep. Cloutier requested a roll call; sufficiently seconded. The question being the adoption of the Majority report.

## YEAS 236 - NAYS 112

## YEAS 236

## BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas, Jr.

Boriso, Thomas  
Johnson, James  
Rosen, Ralph

Dewhirst, Glenn  
Lawton, David  
Thomas, John

Golden, Paul  
Lawton, Robert  
Turner, Robert

## CARROLL

Babson, David, Jr.  
Howard, Godfrey  
Philbrick, Donald

Beach, Mildred  
Lyman, L. Randy

Bradley, Jeb  
Mock, Henry

Cooper, Kipp  
Patten, Betsey

**CHESHIRE**

Avery, Stephen  
Hunt, John  
Metzger, Katherine

Cole, Stacey  
Manning, Joseph  
Royce, H. Charles

Delano, Robert  
McGuirk, Paul  
Smith, Edwin

Feuer, Joseph  
McNamara, Wanda  
Steere, Myron, III

**COOS**

Coulombe, Henry  
Horton, Lynn

Coulombe, Yvonne  
Mears, Edgar

Davis, Perley  
Merrill, Gerald

Guay, Lawrence  
St. Hilaire, Paul

**GRAFTON**

Bean, Pamela  
Hill, Richard  
Mirski, Paul  
Trelfa, Richard

Brown, Alson  
LaMott, Paul  
Phinney, William  
Williams, William, Jr.

Cobbin, Philip  
Larson, Nils, Jr.  
Scanlan, David

Ham, Bonnie  
MacNeil, Allen  
Teschner, Douglass

**HILLSBOROUGH**

Aksten, Cheryl  
Arnold, Thomas, Jr.  
Boutin, David  
Cepaitis, Elizabeth  
Desrosiers, William  
Dyer, Merton  
Fenton, James  
Gibson, John  
Hansen, Herbert  
Holt, David  
Johnson, Lionel  
LaRose, Richard  
Letendre, Evelyn  
McMahon, Donald  
Morello, Michael  
Perkins, Paul  
Searles, Stanley, Sr.  
Thulander, O. Alan  
Wheeler, Robert

Alukonis, David  
Baroody, Benjamin  
Bridgewater, Charles  
Champagne, Norma  
Dodge, Emma  
Dykstra, Leona  
Fields, Dennis  
Gotham, Rita  
Hart, Nick  
Hunter, Bruce  
Kelley, Robert  
Laughlin, J. Francis  
MacGillivray, Jeffrey  
McRae, Karen  
Packard, Bonnie  
Philbrook, Paula  
Showerman, Peter  
Toomey, Kathryn  
White, Donald

Amidon, Eleanor  
Barry, Janet  
Burke, M. Virginia  
Clegg, Robert, Jr.  
Dokmo, Cynthia  
Emerton, Lawrence, Sr.  
Francoeur, Gary  
Goulet, Maurice  
Holden, Carol  
Jean, Claudette  
Krochmal, Mark  
Lefebvre, Roland  
MacIntyre, Doris  
Mercer, Robert  
Pappas, Marc  
Riley, Frances  
Soucy, Richard  
Turgeon, Roland  
Worthen, Dorothy

Andrews, Frederick  
Belvin, William  
Calawa, Leon, Jr.  
Daniels, Gary  
Drabinowicz, A. Theresa  
Feng, David  
Gagnon, Eugene  
Hallyburton, Margaret  
Holley, Sylvia  
Jean, Loren  
Kurk, Neal  
Legacy, Earl  
Marcinkowski, Michael  
Mittelman, David  
Pepino, Leo  
Sallada, Roland  
Taylor, Paul  
Wells, Peter, Sr.  
Wright, George

**MERRIMACK**

Adams, Stephen  
Chandler, Earle  
DeStefano, Stephen  
Jacobson, Alf  
Lockwood, Robert  
Owen, Derek  
Shaw, Randall

Barberia, Richard  
Chandler, John  
Dunn, Miriam  
Kennedy, Richard  
MacKay, James  
Patenaude, Amy  
Willis, Jack

Brown, Mary  
Crowell, Peter  
Hess, David  
Langer, Ray  
Morrell, Olive  
Pfaff, Terence

Buessing, Marjorie  
Daneault, Gabriel  
Holmes, Mary  
Little, Michael  
Nichols, Avis  
Pitman, Mary Ellen

**ROCKINGHAM**

Aranda, M. Kathryn  
Bishop, Franklin  
Case, Margaret  
Cote, Patricia  
Dowd, Sandra  
Flanagan, Natalie  
Goddard, Warren  
Henderson, Warren  
Katsakiores, Phyllis  
Lee, Rebecca  
McKinney, Betsy

Arndt, Janet  
Boucher, William  
Christie, Andrew, Jr.  
Crossman, Harold, Jr.  
Dube, LeRoy  
Flanders, David  
Gorman, Donald  
Hurst, Sharleene  
Klemm, Arthur, Jr.  
Lupien, James  
Morris, Debbie

Beaulieu, Jon  
Camm, Kevin  
Clark, Vivian  
Dodge, Robert  
Felch, Charles, Sr.  
Flanders, John, Sr.  
Hawkins, Robert  
Johnson, Robert  
Kobel, Rudolph  
Magoon, Harold  
Nowe, Ronald

Belanger, Ronald  
Carson, Gregory  
Conroy, Janet  
Dolan, Richard  
Fesh, Robert  
Gage, Beverly  
Haynes, Richard  
Katsakiores, George  
Langley, Jane  
Malcolm, Ken  
Noyes, Richard

Packard, Sherman  
Ross, James  
Stone, Joseph  
Weare, Everett

Pratt, Katharin  
Rubin, George  
Stitch, C. Donald  
Welch, David

Putnam, Ed, II  
Scanlon, Edward  
Sytek, Donna  
Weyler, Kenneth

Raynowska, Bernard  
Smith, Arthur  
Tufts, J. Arthur

**STRAFFORD**

Chagnon, Ronald  
Knowles, William  
Steadman, Frederick  
Torr, Ralph

Douglass, Clyde  
McKinley, Robert  
Sullivan, Henry  
Wasson, Richard

Dunlap, Patricia  
Musler, George  
Torr, Ann

Hemon, Roland  
Reynolds, Charles  
Torr, Franklin

**SULLIVAN**

Adler, Rudolf  
Schotanus, Merle

Behrens, Thomas  
Whipple, Allen

Krueger, Richard

Lindblade, Eric

**NAYS 112****BELKNAP**

Laflam, Robert

Wendelboe, Francine

Ziegra, Alice

**CARROLL**

None

**CHESHIRE**

Burnham, Daniel  
Laurent, John  
Robertson, Timothy

Champagne, Richard  
Lynch, Margaret  
Russell, Ronald

DePecol, Benjamin  
Richardson, Barbara  
Wollner, Robert

Kingsbury, H. Thayer  
Riley, William

**COOS**

Bradley, Paula

Hawkinson, Marie

**GRAFTON**

Adams, Carl  
Eaton, Stephanie  
Tucker, John

Below, Clifton  
Guest, Robert

Copenhaver, Marion  
Lovett, Sidney

Crory, Elizabeth  
Nordgren, Sharon

**HILLSBOROUGH**

Ahern, Richard  
Brundige, Robert  
Cote, David  
Foster, Linda  
Kirby, Thomas  
Melcher, Harold  
Peters, Stanley  
Sullens, Joan

Allen, W. Gordon  
Buckley, Raymond  
Cote, Peter  
Haettenschwiller, Alphonse  
L'Heureux, Robert  
Messier, Irene  
Reidy, Frank  
Wheeler, Craig

Asselin, Robert  
Chabot, Robert  
Durham, Susan  
Hall, Betty  
Martin, Mary  
O'Hearn, Jane  
Soucy, Donna  
White, John

Bergeron, Normand  
Clemons, Jane  
Ferguson, Charles  
Kane, Laura  
McCarty, Winston  
O'Rourke, Joanne  
Streeter, Janice

**MERRIMACK**

Coughlin, Anne  
Lamach, Bernard  
Wallner, Mary Jane  
Whittemore, James

Crosby, Toni  
Moore, Carol  
Warner, Richard  
Yeaton, Charles

Feuerstein, Martin  
Newland, Matthew  
Weeks, John, Jr.

Fraser, Marilyn  
Rogers, Katherine  
Whalley, Michael

**ROCKINGHAM**

Abbott, Dennis  
Kane, Cecelia  
McGovern, Cynthia  
Senter, Merilyn  
Sytek, John

Coes, Betsy  
Kelley, Jane  
Pantelakos, Laura  
Simmons, John Anthony  
Vaughn, Charles

Dunham, Vivian  
Kruse, Fred  
Richards, David  
Splaine, James  
Yennaco, Carol

Gleason, John  
McCarthy, John, Jr.  
Sabella, Norma  
Syracusa, Anthony

**STRAFFORD**

Berube, Roger	Brown, George	Callaghan, Frank	DeChane, Marlene
Grassie, Anne	Hambrick, Patricia	Keans, Sandra	Loder, Suzanne
Lundborn, Raymond	McCann, William, Jr.	Merrill, Amanda	Merritt, Deborah
Pelletier, Arthur	Snyder, Clair	Spear, Barbara	Wall, Janet
Wheeler, Katherine	Williams, Howard		

**SULLIVAN**

Allison, David	Cloutier, John	Flint, Gordon	Palmer, Lorraine
Stettenheim, Sandy			

and the report was adopted.

Rep. Lozeau wished to be recorded in favor.

**HB 139**, establishing a nearshore water use activity zone on Big Squam Lake and Little Squam Lake. **OUGHT TO PASS WITH AMENDMENT**

Rep. Daniel M. Burnham for Transportation: The committee heard extensive testimony favoring the study of phosphate levels in Big and Little Squam Lakes exacerbated by engine turbulence. The two-year study will establish a data base for phosphate content in the lakes by sample testing up to 250 feet from shore. During the next two years beginning in 1997, the no-wake zone will be extended another 100 feet to the 250-foot mark in order to compare the data base for effects of motor turbulence on phosphate levels in the extended zone. The study will be conducted by the Limnology Center of the Department of Environmental Services in consultation with the University of New Hampshire. Vote 10-3.

**Amendment (1382L)**

Amend the title of the bill by replacing it with the following:

**AN ACT**

requiring a study of certain phosphate levels in the no-wake zone on  
Big Squam Lake and Little Squam Lake.

Amend the bill by replacing all after the enacting clause with the following:

**1 Data Levels Established.**

I. The limnology center director from the department of environmental services, shall be responsible for collecting data on the current phosphate levels in the no-wake zone established in RSA 270-D:2, VI caused by the turbulence of engines. This study shall be conducted for a 2-year period commencing on the effective date of this act. The limnology director may work in consultation with the university of New Hampshire.

II. Two years after the effective date of this act the limnology director shall repeat the study provided for in paragraph I. The study area shall be extended to include the extended wake zone established in RSA 270-D:2, VI-a as inserted by section 2 of this act. The limnology director shall then compare the levels of the extended no-wake zone with the former no-wake zone to determine the effect of boat engines on phosphate levels.

III. The limnology director shall provide a copy of the results of the study to the speaker of the house and the senate president within 4 years after the effective date of this act.

**2 New Paragraph; Nearshore Water Use Activity Zone on Squam Lake Established.** Amend RSA 270-D:2 by inserting after paragraph VI the following new paragraph:

VI-a.(a) There is established a nearshore water use activity zone along the mainland and island shores of Big Squam Lake and Little Squam Lake. The nearshore water use activity zone shall:

(1) Extend 100 feet beyond the no-wake zone established in RSA 270-D:2, VI(a); and

(2) Shall be a no-wake zone, within which travel by powerboats shall be limited to 6 miles per hour headway speed.

(b) This restriction shall apply to all recreational and commercial boating activities, including waterskiing, on Big Squam Lake and Little Squam Lake.

**3 Effective Date.**

I. Section 2 of this act shall take effect June 1, 1997.

II. The remainder of this act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill establishes a nearshore water use activity zone on Big Squam Lake and Little Squam Lake. This zone would extend the current no-wake zone by 100 feet. This zone would be in effect beginning on June 1, 1997.

This bill also requires the limnology center director from the department of environmental services to collect data on phosphate levels prior to and after the extended no-wake zone is put into effect.

This bill was a result of a study committee established in 1994, 261.

Adopted.

Report adopted and ordered to third reading.

**HB 356**, requiring vehicle light use during any period windshield wipers are in operation during inclement weather. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Thomas J. Boriso for the Majority of the Committee on Transportation: The committee couldn't buy into mandatory use of headlights but did recommend using headlights during the period when windshield wipers are engaged. Such a dictate flew in the face of "Live Free or Die." The Majority of the committee felt that the contents of this bill are an educational issue which can be adequately addressed at very little cost until such time when all auto manufacturers had instituted day time running lights. The statute can then be "wiped" from the statutes. Vote 10-4.

Reps. Jane Kelley, Mark A. Krochmal, Fred A. Kruse and Kenneth W. Malcolm for the Minority of the Committee on Transportation: This bill will be unnecessary in the near future. Manufacturers are now producing vehicles where full-time lights are present whenever the vehicle is in operation.

## Amendment (1318L)

Amend the title of the bill by replacing it with the following:

## AN ACT

requiring the director of motor vehicles to recommend vehicle light use

during any period windshield wipers are in operation during inclement weather.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Lights Recommended for Windshield Wiper Operation. Amend RSA 265 by inserting after section 109 the following new section:

265:109-a Lights Recommended for Windshield Wiper Operation.

I. The general court recognizes the safety benefits from the display of lights on the front end and rear of vehicles during any period the windshield wipers are in operation during inclement weather.

II. The director of motor vehicles shall issue a written recommendation to each registrant of a motor vehicle and to each applicant for a driver's license that headlights should be engaged when windshield wipers are in operation during inclement weather. The director may utilize any other means the director deems necessary to encourage vehicle operators to abide by this recommendation.

2 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill recommends vehicle light use during any period windshield wipers are in operation during inclement weather. The bill requires the director of motor vehicles to issue a statement to each vehicle registrant and driver's license applicant that headlights should be engaged during inclement weather.

On a division vote, 142 members having voted in the affirmative and 193 in the negative, the amendment failed.

The report failed.

Rep. Kurk moved Inexpedient to Legislative.

Adopted.

**HB 333**, relative to election procedures. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. Splaine for Constitutional and Statutory Revision: This bill, as amended, accomplishes two important goals: 1.) It fulfills and clarifies the intent of the sponsor of the original bill that created a flexible New Hampshire presidential primary date. By so doing, it clarifies that the legislative intent of the presidential primary statute, passed in 1975 (HB 73), that has guaranteed New Hampshire's first-in-the-nation status is that the presidential primary shall be held one week ahead of any other state. The sponsor of HB 73 produced research to verify this legislative intent; 2.) It produces a fair and clear procedure for ballot access for political parties by allowing two years after gaining party status for a party to get at least a membership of one percent of the total of registered voters of the state in order to retain official party status. Vote 16-0.

**Amendment (1629L)**

Amend the bill by replacing all after section 1 with the following:

2 "Party" Redefined. Amend RSA 652:11 to read as follows:

652:11 Party.

I. "Party" shall mean any political organization which at the preceding state general election received at least 3 percent of the total number of votes cast for the office of governor.

*II. Once a political organization is defined as a party under paragraph I it must, 2 years after the date on which it gains party status, have a party membership of at least one percent of the total registered voters in the state as compiled in accordance with RSA 659:73. If any party does not have a membership on that date which equals one percent of the total registered voters in the state as compiled in accordance with RSA 659:73 it shall lose its official status as a party on that date, and shall once again be considered a political organization.*

3 Date for Holding Presidential Primary Election. Amend RSA 653:9 to read as follows:

653:9 Presidential Primary Election. The presidential primary election shall be held on the second Tuesday in March or on the Tuesday *at least 7 days* immediately preceding the date on which any other state shall hold a similar election, whichever is earlier, of each year when a president of the United States is to be elected. Said primary shall be held in connection with the regular March town meeting or election or, if held on any other day, at a special election called by the secretary of state for that purpose.

4 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill amends the election laws relative to:

(1) Redefining the definition of "party".

(2) The date for holding the presidential primary election.

Adopted.

Rep. Gorman offered a floor amendment.

**Floor Amendment (1794L)**

Amend the bill by replacing all after section 1 with the following:

2 "Party" Redefined. Amend RSA 652:11 to read as follows:

652:11 Party.

I. "Party" shall mean any political organization which at the preceding state general election received at least 3 percent of the total number of votes cast for the office of governor.

*II. Once a political organization is defined as a party under paragraph I it must, 2 years after the date on which it gains party status, have a party membership of at least one percent of the total registered voters in the state as compiled in accordance with RSA 659:73. If any party does not have a membership on that date which equals one percent of the total registered voters in the state as compiled in accordance with RSA 659:73 it shall lose its official status as a party on that date, and shall once again be considered a political organization.*

3 Date for Holding Presidential Primary Election. Amend RSA 653:9 to read as follows:

653:9 Presidential Primary Election. The presidential primary election shall be held on the second Tuesday in March or on the Tuesday *at least 7 days* immediately preceding the date on which any other state shall hold a similar election, whichever is earlier, of each year when a



president of the United States is to be elected. Said primary shall be held in connection with the regular March town meeting or election or, if held on any other day, at a special election called by the secretary of state for that purpose.

4 Application. The provisions of RSA 652:11, II as inserted by section 2 of this act shall not apply to any political organization which is defined as a party under RSA 652:11 on the effective date of this act.

The provisions of RSA 652:11, II as inserted by section 2 of this act shall only apply prospectively to political organizations which gain official status as a party after the effective date of this act.

5 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill amends the election laws relative to:

(1) Redefining the definition of "party".

(2) The date for holding the presidential primary election.

Rep. Splaine spoke against and yielded to questions.

The floor amendment failed.

Rep. Gorman requested that the question be divided. The Speaker ruled that the question was divisible.

The question being the adoption of Section 3.

Rep. Gorman spoke in favor.

Adopted.

Rep. Gorman spoke against the remainder of the bill and yielded to questions.

Rep. Flanagan spoke in favor and yielded to questions.

On a division vote, 259 members having voted in the affirmative and 86 in the negative, the remainder of the bill was adopted.

Ordered to third reading.

**HB 359**, relative to the form of the primary and general election ballots. **OUGHT TO PASS**

Rep. Philip T. Cobbin for Constitutional and Statutory Revision: This bill will save costs of printing ballots and streamline voting by listing candidates alphabetically. Vote 13-0.

Rep. Cobbin yielded to questions.

Adopted and ordered to third reading.

**HB 531-FN**, relative to recounts, including certain fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert A. Scott for Constitutional and Statutory Revision: The bill clarifies appropriate time of filing for recounts and also reflects a more realistic cost of the Secretary of State in performing this procedure. It also specifies the return of recount fees to the prevailing candidate. Vote 15-0.

### Amendment (1451L)

Amend the bill by replacing section 4 with the following:

4 Return of Excess Fees. Amend RSA 660:6 to read as follows:

660:6 Declaration; Certificate.

I. If the recount shall show that some candidate other than the one declared elected upon the original canvass of votes has the greatest number of votes cast for the office, the secretary of state shall declare said candidate to be elected; and, unless the result is changed upon an appeal taken to the ballot law commission, as provided in RSA 665:6, II, such candidate shall be entitled to a certificate of election.

II. If any person who has applied for a recount is declared elected by reason of said recount, the secretary of state shall return to [him] *the person* within 10 days of the recount all fees paid at the time of [filing] *applying*.

*III. If any person who has applied for a recount loses the recount by a margin of less than one percent of the total votes cast in the towns which comprise the district for the office recounted, the secretary of state shall return to the person within 10 days of the recount any fees that were paid in excess of those required by RSA 660:2, I.*

### AMENDED ANALYSIS

This bill requires candidates applying for recounts after state elections to apply to the secretary of state no later than the Friday following the election. The bill also changes the fee which a candidate must pay for a state general election or primary recount based upon the percentage difference in the votes cast for the winning and losing candidate and upon the office sought, the notice requirement for holding a recount, the excess fees to be returned following a recount, and the application procedure for primary recounts.

Adopted.

Rep. Holden yielded to questions.

Report adopted and ordered to third reading.

**HB 124**, permitting emergency interception of oral communications without prior court authorization under certain circumstances involving immediate danger of death or serious bodily injury. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: During the interim study period the committee examined a number of bills concerning wiretaps and eavesdropping. After extensive discussion and debate, we have decided to maintain the long standing state policy of requiring the consent of all parties to a conversation before an interception or recording can be made. This bill provides a narrow exception to the general rule by permitting the police to use a listening device to hear and record conversations in hostage situations or similar emergencies. The amendment requires a finding of probable cause and the filing of an extensive application to the court within 48 hours. It is worth noting that any information obtained outside the strict parameters of this law cannot be used in court or disclosed to anyone. The committee has confidence that this proposal provides law enforcement with the ability to obtain crucial information during an emergency situation and does not unreasonably jeopardize the rights of those involved. Vote 18-1.

#### Amendment (1048L)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Emergency Interceptions. Amend RSA 570-A:9 by inserting after paragraph X the following new paragraph:

XI.(a) Notwithstanding any other provision of this section, a person who is authorized under the provisions of RSA 570-A:7 to apply to a judge of competent jurisdiction for an order authorizing or approving the interception of communications, may intercept and record the content of oral communications at the location of an emergency situation without first receiving the order of authorization required under this section when such authorized person has probable cause to believe:

(1) An emergency situation exists that involves immediate danger of death or serious bodily injury to any person;

(2) The situation requires an oral communication to be intercepted before an order authorizing such interception can with due diligence be obtained; and

(3) There are grounds upon which an order could be entered under this chapter to authorize such interception.

(b) An application for an order approving the emergency interception shall be filed in accordance with this section within 48 hours after the interception has commenced.

(c) In the absence of an order, the emergency interception shall immediately terminate upon any of the following:

(1) The communication sought is obtained;

(2) The emergency situation ceases to exist;

(3) An application under subparagraph (b) is not filed within 48 hours or such application is denied; or

(4) 120 hours have elapsed after the interception commenced.

(d) If the application for approval is denied or in any other case where 120 hours have elapsed after the emergency interception commenced without an order having been issued, the contents of any communication intercepted shall be treated as having been obtained in violation of this chapter.

2 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

**INDEFINITE POSTPONEMENT**

Rep. DePecol moved that **HB 124**, permitting emergency interception of oral communications without prior court authorization under certain circumstances involving immediate danger of death or serious bodily injury, be indefinitely postponed and spoke in favor.

Reps. Vivian Clark and Dolan spoke against.

Reps. Knowles and Donna Sytek spoke against and yielded to questions.

Rep. Hess spoke in favor and yielded to questions.

On a division vote, 182 members having voted in the affirmative and 163 in the negative, the bill was indefinitely postponed.

**RECONSIDERATION**

Having voted with the prevailing side, Rep. McCann moved that the House reconsider its action whereby it voted to indefinitely postpone **HB 124**, permitting emergency interception of oral communications without prior court authorization under certain circumstances involving immediate danger of death or serious bodily injury.

Reconsideration lost.

**REGULAR CALENDAR (Cont'd.)**

**HB 271**, prohibiting electronic video gambling machines. **OUGHT TO PASS**

Rep. Donald W. Gorman for Corrections and Criminal Justice: Having reviewed the penalty portion of this bill, the Committee finds the penalties incorporated in this bill to be in agreement with present RSA's. Vote 16-0.

Reps. Avery and Robert Kelley yielded to questions.

On a division vote, 190 members having voted in the affirmative and 140 in the negative, the report was adopted. Ordered to third reading.

**HB 320-FN**, establishing a recall procedure for those legislators found in violation in ethics rules by the legislative ethics committee and reconstituting the legislative ethics committee. **INEXPEDIENT TO LEGISLATE**

Rep. Leona Dykstra for Legislative Administration: The committee felt there were too many drastic changes in the structure of the ethics committee and that this was a poorly written bill. Vote 12-0.

Rep. Hemon spoke against.

Rep. Horton spoke in favor.

Adopted.

**HB 368-L**, granting municipalities the option to change the interest rate on delinquent property taxes and subsequent property taxes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Katherine H. Metzger for Municipal and County Government: The Committee agrees with this enabling legislation's intent to respond to the state's fluctuating economy by allowing the municipalities to charge a variable rate on delinquent taxes, 2 percent or 4 percent above prime rate, rather than a fixed 12 percent or 18 percent. Vote 17-1.

**Amendment (1628L)**

Amend the title of the bill by replacing it with the following:

**AN ACT**

granting municipalities the option to change the interest rate on delinquent property taxes, property redemptions, subsequent property taxes, and certain other delinquent local taxes.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Option to Change Rate of Interest on Delinquent and Subsequent Taxes, Property Redemption, and Certain Charges. Amend RSA 76 by inserting after section 13-a the following new section:

76:13-b Alternative Rate of Interest on Delinquent and Subsequent Taxes, Property Redemption, and Certain Charges.

I. The statutory provision for interest on delinquent property taxes of RSA 76:13 for interest at the rate of 12 percent taken together with the statutory provision for the rate of interest on

property redemption of RSA 80:32 and 80:69 and subsequent property taxes of RSA 80:37 and 80:75, III at the rate of 18 percent is hereafter referenced in this section as the "standard tax delinquency schedule."

II. A municipality may vote to change the rate of interest on delinquent property taxes specified under RSA 76:13 from 12 percent to 2 percent above the prime rate of interest per annum, as determined by the department of revenue administration as of April 1 of each year, and to change the rate of interest on property redemption specified under RSA 80:32 and 80:69 from 18 percent to 4 percent above the prime rate of interest per annum and to change the rate of interest on subsequent property taxes specified under RSA 80:37, and 80:75, III from 18 percent to 4 percent above the prime rate of interest per annum, as determined by the department of revenue administration as of April 1 of each year. The adoption of the provisions of this paragraph shall result in changes in the interest rates for the following delinquent local taxes and charges which correspond to the interest rates specified in the standard tax delinquency schedule for delinquent and subsequent property taxes: delinquent yield taxes under RSA 79:4-a; delinquent land use change taxes under RSA 79-A:7, II(d); delinquent betterment assessments under RSA 231:30; and delinquent water and sewer charges under RSA 38:22 and RSA 149-1:11.

III. The provision of RSA 76:13-b, II for a rate of interest on delinquent property taxes of 2 percent above the prime rate of interest per annum, as determined by the department of revenue administration as of April 1 of each year, taken together with the provision for a rate of interest on property redemption and subsequent property taxes of 4 percent above the prime rate of interest per annum, as determined by the department of revenue administration as of April 1 of each year and all other specified provisions is hereafter referenced in this section as the, "alternative tax delinquency schedule."

IV. Any town or city may adopt the provisions of paragraph II in the following manner:

(a) In a town, the question shall be placed on the warrant of a special or annual town meeting under the procedures set out in RSA 39:2 or 39:3, and shall be voted upon in accordance with the usual meeting procedures for the town legislative body. In a city, the legislative body may consider and act upon the question in accordance with their normal procedures for passage of resolutions, ordinances and other legislation.

(b) The selectmen or city council shall hold a public hearing on the question at least 15 days but not more than 30 days prior to the date for the meeting in a town or the date the matter is to be voted upon in a city. Notice of the hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the hearing.

V. For a municipality functioning under the provisions of the "standard tax delinquency schedule" the article or question shall ask whether the municipality should adopt the alternative tax delinquency schedule. If a majority of those voting approve the question, the alternative tax delinquency schedule of RSA 76:13-b, II shall apply within the city or town on April 1 next following such vote for the tax year beginning on that date. If the question is not approved, the question may later be considered according to the provisions of paragraph IV and the practice of the legislative body of the municipality.

VI.(a) Any municipality which has adopted the alternative tax delinquency schedule may later adopt the standard tax delinquency schedule in the manner described in paragraph IV. The article or question shall ask whether the municipality should adopt the standard tax delinquency schedule.

(b) If a majority of those voting approve the question, then as of April 1 next following the action taken, the standard tax delinquency schedule shall apply within the municipality.

2 Interest Rate; Unpaid Yield Taxes. Amend RSA 79:4-a to read as follows:

79:4-a Unpaid Taxes. The taxes which are not paid when due pursuant to RSA 79:3 shall bear interest at the rate of 18 percent per year computed from the due date *or, if the municipality has adopted the provisions of RSA 76:13-b for the alternative tax delinquency schedule, at the rate of interest specified for subsequent taxes determined pursuant to RSA 76:13-b, II.* Interest and penalties on the tax shall be collected by the tax collector and deposited in the general fund of the town. In addition to the interest due, a penalty for failure to pay may be assessed against the owner as provided in RSA 21-J:33.

3 Interest Rate; Delinquent Land Use Change Taxes. Amend RSA 79-A:7, II(d) to read as follows:

(d) Payment of the land use change tax, together with the recording fees due the register of deeds, shall be due not later than 30 days after mailing of the tax bills for such tax, and interest at the rate of 18 percent per annum, *or in a municipality which has adopted the provisions of RSA 76:13-b for the alternative tax delinquency schedule at the rate of interest specified for subsequent taxes determined pursuant to RSA 76:13-b, II*, shall be due thereafter on any taxes not paid within the 30-day period.

4 Liens and Collection of Charges. Amend RSA 38:22, II(c) to read as follows:

(c) If the official or board responsible for administering the municipal utility has not committed the charges to the collector of taxes, the municipality shall have a lien upon the real estate where the services were furnished and the lien shall continue for 18 months from the date of the last unpaid bill, unless the municipality records in the registry of deeds for the county in which the land is situated a notice of lien, in which case the lien shall continue for 6 years from the date of the last unpaid bill. The lien may be enforced in a suit by the municipality against the owner of the real estate. In such a suit, the municipality shall have the right to a judgment for per year charges, interest at the rate of 12 percent *per annum, or in a municipality which has adopted the provisions of RSA 76:13-b for the alternative tax delinquency schedule, at the rate of interest specified for delinquent taxes pursuant to RSA 76:13-b, II* from the date of the last unpaid bill to the date of judgment, and costs. The records in the municipal department which furnished the services shall be sufficient notice to maintain suit upon the lien against subsequent purchasers or attaching creditors of the real estate.

5 Liens and Collection of Sewer Charges. Amend RSA 149-I:11 to read as follows:

149-I:11 Liens and Collection of Sewer Charges. In the collection of sewer charges under RSA 149-I:7 and 149-I:8, municipalities shall have the same liens and use the same collection procedures as authorized by RSA 38:22. Interest on overdue charges shall be assessed in accordance with RSA 76:13 *or RSA 76:13-b for the alternative tax delinquency schedule, whichever is applicable in a municipality.*

6 Betterment Assessments. Amend RSA 231:30 to read as follows:

231:30 Liens For Assessments. All assessments made under the provisions of RSA 231:29 shall create a lien upon the lands on account of which they are made, which shall continue following the assessment until fully discharged in accordance with the terms set by each governing board or in compliance with any court judgment. Such assessments shall be subject to interest and such other charges as are applicable to the collection of delinquent taxes, *including the provisions of RSA 76:13-b, if applicable.* The landowner shall have the same right of appeal and follow the same procedures as are applicable to the assessment of taxes.

7 Redemption of Real Estate. Amend RSA 80:32 to read as follows:

80:32 Redemption. Any person with a legal interest in land so sold may redeem the same by paying or tendering to the collector, or in his absence, at his usual place of abode, at any time before a deed thereof is given by the collector, the amount for which the land was sold, with interest at 18 percent per annum, *or in a municipality which has adopted the provisions of RSA 76:13-b for the alternative tax delinquency schedule, at the rate of interest determined pursuant to RSA 76:13-b, II*, upon the whole amount for which the land was sold from the time of sale to the time of payment in full, except that in the case of partial payments in redemption made under RSA 80:33-a, the interest shall be computed on the unpaid balance, together with redemption costs and costs for notifying the mortgagees, if any. In case the tax collector who sold the property in question shall have died, become incapacitated, been removed from office or removed from the town or city or shall have been discharged from his bond by the selectmen or assessors, then the person with the legal interest in redeeming the property may tender such sums to the tax collector then in office of said city or town. Upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the tax collector shall accept said amount for the redemption of the property.

8 Subsequent Tax of Real Estate. Amend RSA 80:37 to read as follows:

80:37 Payment of Subsequent Tax. For purposes of this section, "subsequent tax" shall mean any tax assessed, *within the same property tax year*, upon the real estate subsequent to that for which it was sold by a municipality, a county or the state. The purchaser of real estate at any tax sale may pay to the collector any subsequent tax and the collector shall, within 30 days after such payment, notify the register of deeds thereof, giving the date and the amount of such pay-

ment and the name of the person so paying together with the date of the tax sale, the name of the person taxed and a description of the property sold as shown in the report of sale recorded in the registry of deeds. The collector of taxes shall receive \$1 for such notice to the register of deeds of the payment of subsequent tax plus \$1 to be paid to the register of deeds. The purchaser, within 30 days of payment of the subsequent tax, shall personally, or by certified mail, notify in writing any mortgagee who was notified of his purchase at the tax sale of this payment of the subsequent tax. The purchaser paying the subsequent tax shall receive the same fees prescribed for notifying the mortgagee of his purchase at the tax sale to be included in his costs to be paid by the person making redemption, except that when a town is a purchaser at a tax sale and the town pays a subsequent tax and the selectmen direct the collector of taxes as agent for the town to give notice of payment of a subsequent tax to any mortgagee who was notified of the purchase by the town at the tax sale, the collector shall be paid the sum of \$5 for this service. Any amounts so paid on account of subsequent taxes, together with interest thereon at the rate of 18 percent per annum, *or in a municipality which has adopted the provisions of RSA 76:13-b for the alternative tax delinquency schedule, at the rate of interest specified pursuant to RSA 76:13-b, II*, from the date of payment shall, in addition to the purchase price at the time of sale with accrued interest and costs, be paid by the person making redemption.

9 Redemption of Tax Liens. Amend RSA 80:69 to read as follows:

80:69 Redemption. Any person with a legal interest in land subject to a real estate tax lien may redeem the same by paying or tendering to the collector, at any time before a deed thereof is given by the collector, the amount of the real estate lien, with interest at 18 percent per annum, *or in a municipality which has adopted the provisions of RSA 76:13-b for the alternative tax delinquency schedule, at the rate of interest determined pursuant to RSA 76:13-b, II*, upon the whole amount of the recorded lien from the date of execution to the time of payment in full, except that in the case of partial payments in redemption made under RSA 80:71, the interest shall be computed on the unpaid balance, together with redemption costs and costs for identifying and notifying the mortgagees, if any. In case the tax collector who executed the tax lien against the property in question shall have died, become incapacitated, been removed from office or removed from the town or city or shall have been discharged from his bond by the selectmen or assessors, then the person with the legal interest in redeeming the property may tender such sums to the tax collector then in office of said city or town. Upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the tax collector shall accept said amount for the redemption of the property.

10 Subsequent Tax Liens. Amend RSA 80:75, I to read as follows:

I. For purposes of this section, "subsequent tax" shall mean any tax assessed, *within the same property tax year*, upon the real estate subsequent to that for which it was liened by a municipality, a county or the state. The municipality, county, or state as holder of the tax lien may pay to the collector any subsequent tax after the final installment of said tax for that year is delinquent, and the collector shall, within 30 days after such payment of subsequent tax, notify the register of deeds of the payment, giving the date and the amount of such payment and the name of the municipality, county, or state so paying, together with the date of the tax lien, the name of the person taxed, and a description of the property subject to tax lien as shown in the report recorded in the registry of deeds. The collector of taxes shall receive \$2 for such notice to the register of deeds of the subsequent payment plus \$2 to be paid to the register of deeds.

11 Subsequent Tax Liens. Amend RSA 80:75, III to read as follows:

III. When a municipality is the lienholder and the municipality pays a subsequent tax and the selectmen direct the collector of taxes, as agent of the municipality, to give such notice of said payment to any owner and to any mortgagee as provided above, the collector of taxes shall receive the same fees provided for the lienholder for his service. The amount of subsequent taxes paid, together with interest on such taxes at the rate of 18 percent per annum, *or in a municipality which has adopted the provisions of RSA 76:13-b for the alternative tax delinquency schedule, at the rate of interest pursuant to RSA 76:13-b, II*, from the date of payment shall, in addition to the tax lien amount at the time of execution with interest and costs, be paid by the person making redemption.

12 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill grants municipalities the option to change the interest rate on delinquent property taxes from 12 percent to 2 percent above the prime rate of interest and the interest rate on property redemptions and subsequent taxes from 18 percent to 4 percent above the prime rate of interest.

The bill also provides for changes in the interest rates of certain other local taxes, if the municipalities adopt the optional interest rates.

Adopted.

Reps. Hansen and Putnam spoke against.

Rep. Metzger spoke in favor.

Rep. Kirby spoke in favor and yielded to questions.

Report adopted and ordered to third reading.

**HB 510-FN**, relative to the sale of fireworks. OUGHT TO PASS WITH AMENDMENT

Rep. Loren Jean for Public Protection and Veterans Affairs: This bill is a further refinement of a bill passed by the House on January 5, 1994. It is the result of a three-year study by facets of the fireworks industry, enforcement officials and legislators. This bill separates the two types of fireworks, Class "B" (explosive) from consumer fireworks, formerly Class "C." It permits the handling, use and local control of only those consumer fireworks approved by the United States Consumer Products Safety Commission. The result of this effort is a middle ground between those wishing a complete ban and the continued traditional celebratory use of approved pyrotechnics. Vote 14-0.

**Amendment (1648L)**

Amend the bill by replacing all after the enacting clause with the following:

1 Fireworks. RSA 160-B is repealed and reenacted to read as follows:

**CHAPTER 160-B****FIREWORKS****Class B Fireworks**

160-B:1 Definitions. As used in this subdivision:

I. "Fireworks" means class B fireworks.

II. "Class B fireworks" means display fireworks as defined by United Nations designation 0335,1.3G and 49 CFR section 173.50 to 173.53.

III. "Commissioner" means the commissioner of the department of safety.

IV. "Display" means the use, explosion, activation, ignition, discharge, firing or any other activity which is intended to cause or which causes a class B firework to do what it was manufactured to do.

V. "Sale" or "sell" means to sell, give or transfer to another, with or without consideration.

VI. "Retail" means the sale to any consumer or person not engaged in the business of making sales of fireworks.

VII. "Wholesale" means engaging in the business of making sales to any other person engaged in the business of making sales of fireworks. "Wholesale" shall not include any making of sales to consumers or persons not engaged in the business of making sales of fireworks.

160-B:2 Sale; Penalty.

I. No person shall sell class B fireworks other than a person who meets all of the following requirements:

(a) Has a federal permit to sell class B fireworks issued in accordance with title 18 of the United States Code.

(b) Has a state license to sell class B fireworks issued pursuant to RSA 160-B:6.

(c) Has a local permit to sell class B fireworks issued pursuant to RSA 160-B:6.

II. No person shall sell class B fireworks other than:

(a) To a person who presents a certificate of competency issued pursuant to RSA 160-B:7 and RSA 158:9-f and leaves a copy of such certificate and who presents a permit to display issued pursuant to RSA 160-B:7 and leaves a copy of such permit; or

(b) To a person who possesses and shows a license for the storage of class B fireworks issued pursuant to RSA 158:9-f; or

(c) At wholesale to a person engaged in the sale of class B fireworks meeting all of the specifications in RSA 160-B:6, VII.

III. Any person who violates the provisions of this section shall be guilty of a misdemeanor.  
160-B:3 Display; Penalty.

I. No person shall display class B fireworks other than a person who meets all of the following requirements:

(a) Has obtained a certificate of competency issued pursuant to RSA 158:9-f which the person responsible possesses at the time of display and which has not been revoked or suspended.

(b) Has obtained a municipal permit to display issued pursuant to RSA 160-B:7 which the person possesses and which has not been revoked or suspended.

II. Any person who violates the provisions of this section by displaying class B fireworks shall be guilty of a misdemeanor.

160-B:4 Possession; Penalty.

I. No person shall possess class B fireworks other than the following:

(a) A person who possess a certificate of competency issued pursuant to RSA 158:9-f and a valid permit to display issued pursuant to RSA 160-B:7.

(b) A person who has a federal permit to sell class B fireworks issued in accordance with title 18 of the United States Code, a state license issued pursuant to RSA 160-B:6 and a municipal permit issued in accordance with RSA 160-B:6, or an employee of such person.

(c) A common carrier which is in possession of a bill of lading indicating that class B fireworks are being shipped to or from a licensed and permitted seller or a person who has a certificate of competency and a permit to display.

(d) Any manufacturer or common carrier shipping class B fireworks in interstate commerce through the state of New Hampshire which are not being delivered or received in this state.

(e) A person who has a licensed facility for the storage of class B fireworks pursuant to RSA 158:9-c.

II. Any person who violates the provisions of this section shall be guilty of a violation unless the person possesses with intent to sell, in which case the person shall be guilty of a misdemeanor.

160-B:5 Issuance of Permit; Penalty.

I. No person shall issue a permit or license to display class B fireworks contrary to this subdivision.

II. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

160-B:6 Requirements for Sale of Class B Fireworks.

I. Any person who desires to sell class B fireworks as limited by RSA 160-B:2 may apply to the municipality in which the person desires to sell class B fireworks. The licensing board of any municipality or, if one does not exist, the chief of police, the fire chief, or the governing body may issue a permit to sell class B fireworks to a person who applies, provided that the person has a valid permit for the sale of class B fireworks issued pursuant to title 18 of the United States Code. The municipality may charge a fee for the permit or application for permit under this section.

II. After the person has obtained a municipal permit to sell class B fireworks, the person may apply for a state license to sell class B fireworks. Upon application of any person, the commissioner, or a person designated by the commissioner, may issue a license authorizing the applicant to sell or market class B fireworks in this state for not more than one year from the date of issue, provided the person has first obtained a permit to sell class B fireworks pursuant to RSA 160-B:6, I. The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The license shall be displayed at all times, openly and publicly, at the licensee's place of business. The original of the license shall be delivered to the licensee and the duplicate shall be preserved by the commissioner. The license shall be issued within a reasonable time after application.

III. The state license may be issued to an applicant who, at the time such license is issued, possesses a permit issued in accordance with title 18, United States Code, governing fireworks and a permit issued pursuant to RSA 160-B:6, I. No license shall be issued for the sale of class B fireworks unless the applicant establishes that it will locate its business in a permanent structure which meets all applicable fire safety codes, building codes, zoning codes, and the requirements of local ordinances. No license for the sale of class B fireworks shall be issued to any person who has been convicted of a felony if the felony has not been annulled by a court of record or to any person who has been convicted of any offense involving fireworks or explo-



sives or who has been found to have violated any class B fireworks or explosives laws, rules, or regulations for one year after such violation. No license shall be issued to any person under 21 years of age.

IV. If such application is denied, the reasons for such denial shall be stated in writing, in duplicate, the original of which shall be delivered to the applicant, and the copy thereof kept in the office of the department of safety.

V. The fee which shall not exceed \$5,000, for a license for each sale location shall be determined by the municipality and is payable to the municipality.

VI. A person who has a federal permit issued in accordance with title 18, United States Code, governing fireworks, a state license issued pursuant to this section, and a local permit issued pursuant to this section may sell class B fireworks; however, such a person shall only sell them to a person who shows a certificate of competency issued pursuant to RSA 158:9-f, or who shows a license for the storage of class B fireworks issued pursuant to RSA 158:9-c, or a license to sell at wholesale as provided in this subdivision. Any sale which the seller makes shall be recorded, and the record, at a minimum, shall contain a copy of the purchaser's certificate of competency and display permit and, in the case of a wholesale sale, the purchaser's retail number from the state of residence, IRS tax identification number or such other information as the commissioner shall specify by rule adopted pursuant to RSA 541-A.

VII. A wholesale sale shall not be made to a person or corporation which resides in New Hampshire other than to a person or corporation licensed to sell class B fireworks pursuant to paragraphs I-III of this section. Any wholesale sale shall be shipped by common carrier or by the wholesaler making the sale. For the purposes of this shipment the wholesaler shall not be authorized to make any person an agent for the limited purpose of transporting fireworks.

VIII. The only sale allowed shall be a sale to a person who possesses a certificate of competency and a display permit and leaves a copy of such certificate and display permit with the seller.

IX. No person under the age of 21 shall be engaged in the business of handling or selling any class B fireworks; provided, however, that a person less than 21 years of age but at least 18 years of age may handle and sell class B fireworks if it is done under the direct supervision of a person 21 years of age or older.

#### 160-B:7 Requirements for Display of Fireworks.

I. The commissioner shall issue a certificate of competency to display class B fireworks as provided in RSA 158:9-f to a person who meets the requirements established under that section.

II. Any municipality, fair association, amusement park or other organization may apply for a permit to display class B fireworks and shall include in the application the name of a person who has been issued a certificate of competency who shall be responsible for conducting the display and a copy of that individual's certificate.

III. The chief of police, licensing board, or governing body of the municipality, after an inspection has been conducted by the fire chief, shall issue a permit to display class B fireworks. The permit shall specify the date on which the display is to be conducted and any other conditions that may be imposed.

IV. The display shall be of such a character, and so located and displayed, as in the opinion of the chief of the fire department or fire ward, or designee, after proper inspection, that it shall not be hazardous to property or endanger any person.

V. An application for a display permit shall be made in writing at least 15 days in advance of the date of the display. The town, city or village district may charge a reasonable fee for a permit to display class B fireworks. No display permit granted under this section shall be transferable, and each display permit shall be valid for only one display to be held on the date permitted. If, in the opinion of the chief of the fire department, or designee, conditions deteriorate during the 15 days before the date for which such permit is granted so that a fire hazard exists, the chief, or designee, may revoke the permit.

160-B:8 Rulemaking. The commissioner shall adopt rules pursuant to RSA 541-A relative to:

I. The procedure and reasons for suspending or revoking a license issued pursuant to RSA 160-B:6.

II. Insurance, bonding, or other evidence of financial responsibility to be required of any person licensed under this subdivision.

III. Forms for local permits to sell class B fireworks and local permits to display class B fireworks.

IV. All matters necessary to implement the provisions of RSA 160-B:12, relative to exceptions.

160-B:9 Enforcement. Upon conviction of a second violation within a 2-year period, the superior court or district court is authorized to permit the law enforcement officials or certified fire citation officers of the state, counties, or any city or town to seize, take, remove, or cause to be removed at the expense of the owner all stocks of class B fireworks offered or exposed for sale, stored or held in violation of this subdivision. Any person found to be selling class B fireworks after the license has been suspended pursuant to this section shall not have the license reinstated for a minimum of one year from the date of suspension. Nothing in this section shall be construed to restrict or limit any other authority granted by law to law enforcement officials or certified fire citation officers.

160-B:10 Local Option. Any municipality in the state, by action of its local legislative body or local governing body, may vote to allow or to prohibit, within that municipality, the issuance of permits or licenses to the extent authorized under RSA 160-B:6 and 160-B:7.

160-B:11 Civil Liability. In addition to any other penalties imposed under this subdivision, any person who violates the provisions of this subdivision shall be liable, in any civil action, to any person for damages resulting from the illegal sale or use of class B fireworks, and neither assumption of risk nor contributory negligence shall be a defense for such violator.

160-B:12 Exceptions. The commissioner may issue permits granting exceptions to the provisions of this subdivision to persons who intend to use class B fireworks for agricultural, railroad, or military purposes, provided that the type of fireworks to be used are designed in such a way as to accomplish the purpose for which the permit is sought and provided that the person who applies for the exception has first received approval by the appropriate local official.

160-B:13 Appeal. Any person aggrieved by a decision of the commissioner pursuant to this subdivision may appeal pursuant to RSA 541.

#### Consumer Fireworks

160-B:14 Definitions. As used in this subdivision:

I. "Fireworks" means "consumer fireworks" as defined in this section.

II. "Consumer fireworks" (formerly class C fireworks) means consumer fireworks as defined by United Nations designation 0336,1.4G and 49 CFR section 173.50 to 173.53.

III. "Display" means the use, explosion, activation, ignition, discharge, firing or any other activity which is intended to cause or which causes a consumer firework to do what it was manufactured to do.

IV. "Sale" or "sell" means to sell or transfer for consideration.

160-B:15 Sale; Penalty.

I. No person shall sell consumer fireworks other than a person who has a local permit to sell such fireworks issued pursuant to this subdivision.

II. Any person who violates the provisions of this section shall be guilty of a violation.

160-B:16 Display; Penalty.

I. No person shall display consumer fireworks other than a person who has obtained such fireworks from a person authorized to sell pursuant to this subdivision.

II. Any person who violates the provisions of this section by displaying consumer fireworks shall be guilty of a violation.

160-B:17 Requirements for Sale of Consumer Fireworks; Permit.

I. Any person who desires to sell consumer fireworks shall apply to the municipality in which such person desires to sell such fireworks. The licensing board of any municipality or, if one does not exist, the chief of police, the fire chief, or the governing body shall issue a permit to sell consumer fireworks to a person who applies, provided that the person demonstrates that the structure from which the person will be operating conforms to all applicable local zoning, building and fire safety codes.

II. If such application is denied, the reasons for such denial shall be stated in writing, in duplicate, the original of which shall be delivered to the applicant, and the copy thereof kept in the office of the body which denied the application.

III. The municipality may charge an annual fee for the permit which shall not exceed \$5,000.

IV. No person under the age of 21 shall be engaged in the business of handling or selling any consumer fireworks; provided, however, that a person less than 21 years of age but at least 18 years of age may handle and sell fireworks if it is done under the supervision of a person 21 years of age or older.

**160-B:18 Local Option.**

I. Notwithstanding any provision of this subdivision, any municipality in the state, by action of its local legislative body or local governing body, may vote to allow or to prohibit, within that municipality, the issuance of permits under RSA 160-B:17. If the municipality has voted to prohibit the issuance of permits or the display or possession of fireworks prior January 1, 1996, such decision shall remain in effect unless subsequent action is taken under this section.

II. Notwithstanding any law to the contrary, a person who is 18 years of age or older may possess or transport consumer fireworks in a municipality which has voted to prohibit fireworks under paragraph I.

**160-B:19 Advertising.** Any advertisement for the sale of fireworks shall at a minimum contain the words: "Check with your local fire department to learn how to safely use fireworks in your community. Always keep fireworks away from children."

**160-B:20 Selling Consumer Fireworks.** Notwithstanding any law to the contrary, a person who is permitted by the local authority may sell consumer fireworks to a person 18 years of age or older. Any person who sells consumer fireworks shall not mix such fireworks with any class B fireworks when presenting them for sale.

**2 Applicability.** Any person currently operating a business selling consumer fireworks may continue to sell such fireworks, but shall obtain a permit under RSA 160-B:17 within one year of the effective date of this act.

**3 Effective Date.** This act shall take effect January 1, 1996.

Adopted.

Rep. Pantelakos spoke against.

Rep. Fenton spoke in favor.

Rep. Dolan spoke against and yielded to questions.

Rep. Loren Jean spoke in favor and yielded to questions.

On a division vote, 224 members having voted in the affirmative and 103 in the negative, the report was adopted.

## SUSPENSION OF RULES

Reps. Ann Torr and Buckley moved that the Rules be so far suspended as to permit **HB 510**, relative to the sale of fireworks, to be referred to a second committee beyond the deadline.

On a division vote, 268 members having voted in the affirmative and 61 in the negative, the motion was adopted by the necessary two-thirds. Referred to Corrections and Criminal Justice.

## REGULAR CALENDAR (Cont'd.)

**HB 231**, limiting liability of trappers for certain accidents involving domestic animals. **OUGHT TO PASS WITH AMENDMENT**

Rep. William Boucher for Wildlife and Marine Resources: The subcommittee's intent is to limit the scope of liability to dogs that are free-running, contrary to RSA 466:31, 11-a, (the statewide leash law effective January 1, 1995). Vote 14-0.

### Amendment (1646L)

Amend RSA 210:11, V as inserted by section 1 of the bill by replacing it with the following:

V. Any person licensed to trap furbearing animals, and using legally set traps in a reasonable manner shall not be liable for an injury to a domestic animal which is at large as defined under RSA 466:31, II(a).

Adopted.

## MOTION FOR INDEFINITE POSTPONEMENT

Rep. Katherine Wheeler moved that **HB 231**, limiting liability of trappers for certain accidents involving domestic animals be indefinitely postponed and spoke in favor.

Rep. Boucher spoke against.

On a division vote, 107 members having voted in the affirmative and 214 in the negative, the motion failed.

Report adopted and ordered to third reading.

## RECONSIDERATION

Having voted with the prevailing side, Rep. Hemon moved that the House reconsider its action whereby it adopted the Committee Report of Inexpedient to Legislate on **HB 330**, to establish the ethics governing board and spoke in favor.

Rep. Mercer spoke against.

On a division vote, 12 members having voted in the affirmative and 298 in the negative, reconsideration lost.

## RECONSIDERATION

Having voted with the prevailing side, Rep. Guay moved that the House reconsider its action whereby it Indefinitely Postponed **HB 340**, relative to electing certain county officers to 4-year rather than 2-year terms and spoke in favor.

Reconsideration lost.

## RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 30, 1995 at 1:00 p.m.

Adopted.

## LATE SESSION

### Third reading and final passage

**SCR 3**, adopting joint rules for the general court for the 1995-1996 sessions.

**HR 16**, requesting the supreme court to release all confidential and nonconfidential materials relative to the late John C. Fairbanks.

**HB 404**, requiring certain employee interviews by the commissioner of labor to be confidential.

**HB 405**, relative to the minimum wage law.

**HB 649-FN-L**, relative to independent contractors under workers' compensation.

**HB 436**, relative to the duties of the legislative ethics committee.

**HB 390**, relative to the grandfathering of subdivisions and separate lots.

**HB 417**, relative to investments by town trustees.

**HB 588-FN-L**, relative to a forfeiture for failure to license a dog.

**HB 224**, establishing a study committee on the functions and responsibilities of the wetlands board.

**HB 428**, relative to boat docking facilities.

**HB 630**, recodifying and revising the forestry laws.

**HB 402**, establishing a committee to study issues related to retail wheeling and electric utility industry restructuring.

**HB 607-FN**, relative to the motor vehicle inspection and maintenance program.

**HB 139**, requiring a study of certain phosphate levels in the no-wake zone on Big Squam Lake and Little Squam Lake.

**HB 333**, relative to election procedures.

**HB 359**, relative to the form of the primary and general election ballots.

**HB 531-FN**, relative to recounts, including certain fees.

**HB 271**, prohibiting electronic video gambling machines.

**HB 368-L**, granting municipalities the option to change the interest rate on delinquent property taxes, property redemptions, subsequent property taxes, and certain other delinquent local taxes.

**HB 231**, limiting liability of trappers for certain accidents involving domestic animals.

## COMMUNICATION

March 7, 1995

Dear Representatives of the New Hampshire State Legislature:

Please accept our thanks for a wonderful afternoon in the House. You are such a warm, enthusiastic audience, that my Red Stars can't wait to perform for you again.

While receiving a Proclamation from you is exciting, I must say that the opportunity to experience State government is even better. My students and their families left Concord with a very warm feeling last Thursday. Government in New Hampshire is now much more personal to them.

It meant a lot that so many of you spoke personally to them and, of course, applauded after.

We all thank you and want you to know we are available to perform for future political functions.

Sincerely,

Gina Hutchinson, Director

## UNANIMOUS CONSENT

Rep. Buckley addressed the House.

## PERSONAL PRIVILEGE

Rep. Copenhaver addressed the House.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 5:35 p.m.

## RECESS

(Rep. Schotanus in the Chair)

## RESOLUTION

Rep. Frank Torr offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 657 and House Resolution numbered 18, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILL and HR

### First, second reading and referral

**HB 657-FN**, directing the supreme court to designate one or more counties for a family division pilot program within the judicial branch and to establish such program. (Lockwood, Merr 9; Bean, Graf 14; Hart, Hills 37; D. Sytek, Rock 26; Trombly, Merr 4; Colantuono, Dist 14; Podles, Dist 16; Fraser, Dist 4; Gordon, Dist 2; Pignatelli, Dist 13: Judiciary and Family Law)

**HR 18**, urging Congress and the New Hampshire Congressional delegation to support school-based meal and nutrition programs. (Trombly, Merr 4: State-Federal Relations)

## RECESS

(Rep. Larson in the Chair)

## RESOLUTION

Rep. Turgeon offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 1, 2, 4, 5, 9, 11, 12, 14, 15, 19, 21, 27, 33, 41, 46, 57, 60, 63, 70, 71, 79, 80, 82, 90, 91, 101, 106, 107, 111, 113 through 116, 118, 127, 131, 132, 136, 139, 149, 150, 155, 158, 160, 163 through 165, 170 and 171 and CACR 17, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF SENATE BILLS

### First, second reading referral

**SB 1**, relative to terms limits. (Constitutional and Statutory Revision)

**SB 2-L**, enabling towns, village districts, and school districts to use the official ballot for voting on all warrant articles. (Municipal and County Government)

**SB 4-FN**, relative to the time allowed for postsurgical recovery. (Health, Human Services and Elderly Affairs)

**SB 5**, relative to information to be filed with the insurance department. (Commerce, Small Business, Consumer Affairs and Economic Development)

**SB 9-FN-L**, relative to charter schools and open enrollment. (Education)

**SB 11-L**, relative to the application of local land use regulations to governmental units. (Municipal and County Government)

**SB 12**, relative to the committee studying long-term care for the elderly. (Health, Human Services and Elderly Affairs)

**SB 14-L**, concerning inclement weather liability on municipal property other than highways. (Judiciary and Family Law)

**SB 15**, extending the committee to review the current procedures of the central registry in the department of health and human services. (Judiciary and Family Law)

**SB 19**, regulating persons who sell agricultural, industrial, forest and related equipment. (Commerce, Small Business, Consumer Affairs and Economic Development)

**SB 21**, relative to extending involuntary admissions and guardianships. (Judiciary and Family Law)

**SB 27**, relative to lead poisoning prevention and control. (Health, Human Services and Elderly Affairs)

**SB 33**, regarding standard valuation of insurance policies. (Commerce, Small Business, Consumer Affairs and Economic Development)

**SB 41**, establishing separate senate and house legislative orientation committees. (Legislative Administration)

**SB 46**, requiring certain entities which receive state funding to make their board meeting minutes regarding the spending of those funds open to the public. (Judiciary and Family Law)

**SB 57-FN**, requiring the department of resources and economic development, the office of state planning, Pease development authority, and the business finance authority to make annual reports on their economic development programs. (Commerce, Small Business, Consumer Affairs and Economic Development)

**SB 60**, relative to ambulatory care clinics' quality assurance programs. (Health, Human Services and Elderly Affairs)

**SB 63**, relative to the definition of fiduciary. (Judiciary and Family Law)

**SB 70**, relative to collection of bad checks. (Corrections and Criminal Justice)

**SB 71**, relative to insurance payments for registered nurse first assistants. (Commerce, Small Business, Consumer Affairs and Economic Development)

**SB 79-FN**, transferring jurisdiction over the town of Northwood from the Auburn District Court to the Pittsfield District Court; and relative to retirement service credit for district court special justices who are appointed justices. (Judiciary and Family Law)

**SB 80**, reinstating the charters of Dundee Mountain Development Corp. and Cable Connector Corporation of America. (Constitutional and Statutory Revision)

**SB 82**, relative to appointments to state boards and commissions. (Executive Departments and Administration)

**SB 90**, relative to uniform adjudicative hearing procedures for state agencies. (Executive Departments and Administration)

**SB 91-FN**, increasing the entrance fee at Odiorne Point state park in Rye, New Hampshire to support the Seacoast Science Center. (Resources, Recreation and Development)

**SB 101**, prohibiting the distribution of all forms of birth control to minors in public schools without parental consent. (Education)

**SB 106-FN**, relative to competition among telecommunications providers. (Science, Technology and Energy)

**SB 107-FN**, allowing licensed beverage manufacturers to sell beverages to the general public in limited quantities for off-premises consumption. (Regulated Revenues)

**SB 111**, designating segments of the Exeter River for the rivers management and protection program. (Resources, Recreation and Development)

**SB 113**, relative to payment of rent during a tenant's appeal period. (Commerce, Small Business, Consumer Affairs and Economic Development)

**SB 114**, restricting the use of hearsay evidence under the child protection act, and providing that filing a malicious false report shall be a misdemeanor. (Judiciary and Family Law)

**SB 115**, preventing strategic lawsuits against public participation. (Judiciary and Family Law)

**SB 116-FN-L**, standardizing and streamlining the application and appeal procedures for property tax relief. (Municipal and County Government)

**SB 118-FN**, relative to state contracts and the competitive bidding process. (Executive Departments and Administration)

**SB 127-FN**, relative to licenses and fees for beverage manufacturers. (Regulated Revenues)

**SB 131-FN-A**, relative to taxes paid on simulcast greyhound racing. (Finance)

**SB 132-FN-L**, granting counties legal standing to contest the validity or cost of court-ordered evaluation, care, or treatment services for children for which the county is liable. (Judiciary and Family Law)

**SB 136-FN-L**, excluding Strafford county from motor vehicle emissions testing and relative to adding counties to the motor vehicle emissions testing program. (Science, Technology and Energy)

**SB 139-FN**, relative to a life and health insurance guaranty association. (Commerce, Small Business, Consumer Affairs and Economic Development)

**SB 149-FN-L**, relative to disability benefits and retirement system membership. (Executive Departments and Administration)

**SB 150-FN**, relative to the definition of earnable compensation for retirement system purposes. (Executive Departments and Administration)

**SB 155-FN**, relative to the applicability of RSA 420-H, explanation of benefits. (Commerce, Small Business, Consumer Affairs and Economic Development)

**SB 158-FN**, requiring a waiting period for applicants for public assistance who terminate their employment voluntarily without a good cause. (Health, Human Services and Elderly Affairs)

**SB 160-FN**, relative to the employee assistance program at the department of health and human services. (Executive Departments and Administration)

**SB 163-FN-L**, relative to purchase of prior service credit in the New Hampshire retirement system by employees of political subdivisions. (Executive Departments and Administration)

**SB 164-FN**, relative to the procedures of the central registry under the division for children, youth, and families. (Judiciary and Family Law)

**SB 165-FN-L**, relative to certifying corrections personnel for membership in group II in the New Hampshire retirement system. (Executive Departments and Administration)

**SB 170-FN**, establishing a pilot project to develop a computer network allowing access to certain information within the state of New Hampshire. (Science, Technology and Energy)

**SB 171-FN**, allowing municipalities to withdraw from school administrative units and authorizing municipalities to assume SAU responsibilities. (Education)

**CACR 17**, term limits for federal and state representatives and senators. (Constitutional and Statutory Revision)

## RECESS

(Rep. Jacobson in the Chair)

## ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 165.

Rep. Tufts for the Committee

## RECESS

(Rep. Channing Brown in the Chair)

## RESOLUTION

Rep. Donna Soucy offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Joint Resolution numbered 3, shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

## INTRODUCTION OF SJR

### First, second reading referral

**SJR 3**, urging that the general court evaluate certain programs to ensure that the state budget remains balanced and to ensure that necessary services are provided without a broad-based tax. (Finance)

Rep. Cole moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 13**

Thursday, March 30, 1995

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Father Vassilios Bebis from the Church of the Holy Trinity in Concord.

Lord Jesus Christ, our God, You have said, "Apart from Me you can do nothing." In faith we embrace Your words, Lord, and we entreat Your goodness. Help us to carry out the work we are about to begin, and to bring it to completion. To You we give glory, Father, Son and the Holy Spirit. Amen.

Rep. Irene Pratt led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Nehring, Healy, Crosby, Peter Cote, Channing Brown, John Chandler, DePecol, Dowd, Peyron and Arnold, the day, illness.

Reps. Tufts, Streeter, Robertson, William Riley, Richards, Sherman Packard, Fiint, Dykstra, Dyer, Buessing, Holden, Ralph Torr, Moncrief and Carson, the day, important business.

Reps. Charles Cote and Battles, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Members of the Goffstown High School YMCA Youth in Government delegation and their leader, Randy Benthien, guests of Rep. Emerton. Ruth Ayers and Joel and Sherry Melvin, guests of Rep. Perkins. Steve Panagoulis, guest of Reps. MacNeil and Tucker. Fifth-grade students from Symonds School in Keene, their teachers Mary Donnis, Catherine Gilbert and David Rouillard and teaching intern, Amira Sabek, guests of the Keene delegation.

**COMMUNICATIONS**

March 22, 1995

Karen O. Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Grafton 14, Larry Guaraldi, r, Lebanon (85 Bank St.) 03766

William M. Gardner, Secretary of State

March 28, 1995

Members of the House

Thank you all for the cards and letters of encouragement during my recent hospitalization and convalescence. It really helped to know so many people were thinking of me at that time.

It's wonderful to be back on my feet, and I look forward to working with all of you during the rest of the session.

Georgie A. Thomas, State Treasurer

**COMMITTEE ASSIGNMENT**

Rep. Guaraldi, on Labor, Industrial and Rehabilitative Services.

**SPECIAL GUESTS**

The Dover High School Ice Hockey Team, guests of the Dover Delegation.

The Timberlane Regional High School Varsity Wrestling Team, guests of the House.

Reps. Hart, George Katsakiores, Phillis Katsakiores, Pantelakos, Pappas and Scott offered the following:



**HOUSE RESOLUTION NO. 17**

celebrating Greek Independence Day

WHEREAS, the cradle of modern democracy does rest in the sovereign country of Greece on the Mediterranean Sea, the place where the leaders and philosophers of the ancient world so wisely understood the principle of a government for the people, and

WHEREAS, more than two hundred years ago, when the Constitution of the United States was being written, our forefathers so wisely did use as that document's foundation those same democratic principles first practiced in ancient Greece, and

WHEREAS, Greece, throughout its illustrious history, has given to America, and to the rest of the world, so much that is of great value, including the thoughts and writings of Socrates, Plato and Aristotle, as well as the beauty of Venus de Milo, and the competitive excitement of the Olympic Games, and

WHEREAS, in the United States there are men, women and children, numbering in the hundreds of thousands, all proud of their Greek heritage, who have contributed greatly to America's history, growth and enduring strength, and

WHEREAS, each spring, Greek Independence Day annually does mark and cause to be celebrated the immeasurable contributions made to the world by the peoples of this ancient country, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Greek Independence Day, which was observed in 1995 on Saturday, March 25, be recognized by this body and duly noted as cause for great celebration, and be it further

RESOLVED, that all persons of Greek heritage be saluted and recognized for the many contributions Greece has made to the democratic way of life in those parts of the world where democracy is embraced.

Unanimously adopted.

**SENATE MESSAGES  
CONCURRENCE**

**HB 10**, correcting references to the statutes to house and senate standing committee names.

**HB 11**, relative to certain statutory and chapter law study committees.

**HB 102**, allowing towns to establish terms of office for police chiefs and police officers elected by towns.

**HB 103**, relative to the qualifications of the adjutant general.

**HB 117-FN**, changing the name of the department of agriculture to the department of agriculture, markets, and food; clarifying the mission of the department and the responsibilities of the commissioner; and revising the composition and responsibilities of the agricultural advisory board.

**HB 133-L**, allowing the local governing body to set certain fees.

**HB 137**, relative to taxation on abandoned manufactured housing units.

**HB 165**, relative to the public use of shorelands.

**HB 176**, relative to the disciplinary, investigative, and subpoena powers of the board of chiropractic examiners and authorizing the board to impose civil penalties.

**HB 192**, changing the reporting dates for certification of assessments against public utilities by the public utilities commission.

**HB 196-L**, permitting municipalities and counties to establish reserve funds for non-capital purposes and eliminating the necessity for municipalities and school districts to distinguish between capital reserve funds and publicly funded trust funds.

**HB 261**, relative to the granite state cultural legacy award.

**HB 273**, clarifying the effective date of a law requiring municipalities to print expanded tax relief information on property tax bills.

**HB 298**, relative to the rulemaking authority of the police standards and training council and permitting the council to delegate certain powers and duties to the director of police standards and training.

**HB 302-L**, transferring jurisdiction over the town of Troy from the Jaffrey-Peterborough District Court to the Keene District Court.

**HB 310-FN**, relative to the medical and rehabilitation fee schedule and adding a member to the workers' compensation advisory council.

**HB 315-FN**, relative to the low and moderate income housing loan program.

**HB 351**, establishing an environmental research advisory committee.

**HB 364**, relative to parking privileges for persons with walking disabilities.

**HB 381**, relative to the definition of crosswalk.

**HB 577-FN**, altering the jurisdictional boundaries of the Northern Carroll County district court and the Plymouth-Lincoln district court.

**HB 582-FN**, designating a portion of New Hampshire route 25 the Mount Moosilauke Highway.

**HJR 2**, urging the members of the New Hampshire legislature to consider and support the recommendations of the Northern Forest Lands Council Study Committee.

### NONCONCURRENCE

**HB 274**, establishing a committee to study the feasibility of hauling solid waste by rail.

### RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 8, 87, 95, 103, 104, 122, 134, 138, 148, 153 and 167 through 169, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF SENATE BILLS

#### First, second reading referral

**SB 8-FN-A**, relative to the Portsmouth Naval Shipyard and making an appropriation therefor. (Finance)

**SB 87-FN**, relative to the business finance authority. (Commerce, Small Business, Consumer Affairs and Economic Development)

**SB 95-FN-A**, relative to associate justices of the Manchester District Court and Nashua District Court. (Judiciary and Family Law)

**SB 103-FN**, relative to exemptions from the solid waste operating fee. (Environment and Agriculture)

**SB 104-FN**, allowing a liquor license and establishing a license fee for a billiards/pool hall. (Regulated Revenues)

**SB 122-FN**, relative to the delivery of trauma care services and making an appropriation therefor. (Health, Human Services and Elderly Affairs)

**SB 134-FN**, relative to rent subsidies. (Health, Human Services and Elderly Affairs)

**SB 138-FN-A**, relative to the rate of interest on overpayments and delinquencies on taxes administered by the department of revenue administration. (Finance)

**SB 148-FN-A**, establishing the New Hampshire real estate investment trust act and making an appropriation therefor. (Commerce, Small Business, Consumer Affairs and Economic Development)

**SB 153-A**, adding the reconstruction of sections of U.S. Route 3/ New Hampshire Route 11 in the towns of Belmont and Tilton to the state 10-year transportation plan. (Public Works and Highways)

**SB 167-FN**, requiring any person applying for or renewing a driver's license to be checked through the National Crime Information Center for wanted felons and the National Law Enforcement Telecommunications Systems, as a precondition to issuance, and imposing a surcharge on fines and default payments which are overdue to the division of motor vehicles. (Transportation)

**SB 168-FN-A**, establishing a task force to examine issues related to retail wheeling and making an appropriation therefor. (Science, Technology and Energy)

**SB 169-A**, relative to the design of the relocation and reconstruction of NH Route 140 in the town of Belmont and making an appropriation therefor. (Public Works and Highways)

### RESOLUTION

Reps. Ann Torr and Trombly offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Resolutions numbered 20 and 21, shall be by this resolution read a first and second time by the therein listed titles.

Adopted.

**INTRODUCTION OF HRs****First, second reading and referral****HR 20**, amending the joint rules. (D. Scanlan, Graf 11)**HR 21**, amending the house rules. (A. Torr, Straf 12; Trombly, Merr 4)**HOUSE RESOLUTION NO. 20**

amending the joint rules.

Whereas, on March 28, 1995, the Senate amended certain deadlines established in the 1995 Joint Rules, and the House wishes to insure that consistent Joint Rules are maintained in both bodies; now, therefore, be it

Resolved by the House of Representatives:

That the following amendment to joint rule 10 of the 1995 legislative session be adopted:

Amend joint rule 10 by inserting after subparagraph (d) the following new subparagraph:

(e) All bills approved for late introduction by the rules committee of either body:

(1) In the originating body:

(A) On those bills referred to the finance committee containing appropriations, or which raise or affect statutes raising revenue, including the budget and capital budget bills, no later than the second Thursday in April in 1995 (April 13).

(2) In the non-originating body:

(A) On those bills referred to the finance committee containing appropriations, or which raise or affect statutes raising revenue, including the budget and capital budget bills, no later than the second Thursday in May in 1995 (May 11).

(B) On all other bills, no later than the third Thursday in May in 1995 (May 18).

Rep. David Scanlan spoke in favor.

Adopted and ordered to third reading.

**HOUSE RESOLUTION NO. 21**

amending the house rules.

Resolved by the House of Representatives:

That the following amendments to the House Rules of the 1995 legislative session be adopted:

I. Amend Rule 21 by inserting after subparagraph (e) the following new subparagraph:

(f) Any member may call for a division of the question when the sense will admit it.

II. Amend Rule 65 by:

(1) Amending the March 1 entry to read:

**MARCH 1, 1995, Wednesday**

Last day to report money bills.

(2) Deleting the March 9 entry.

(3) Deleting the April 4 entry.

(4) Amending the April 6 entry to read:

**APRIL 6, 1995, Thursday**

Last day to act on all bills, excluding those approved for late introduction by vote of the House Rules Committee.

(5) Inserting after the April 6 entry the following:

**APRIL 11, 1995, Tuesday**

Last day for House budget briefing.

**APRIL 13, 1995, Thursday**

Last day to act on all House bills, including the budget and capital budget bills, approved for late introduction by the rules committee.

(6) Amending the May 11 entry to read:

**MAY 11, 1995, Thursday**

Last day to act on all Senate non-money bills. Last day to act on all Senate bills referred to the House finance committee which were approved for late introduction by the Senate Rules Committee or by vote of the Senate.

(7) Inserting after the May 16 entry the following:

**MAY 18, 1995, Thursday**

Last day to act on all other Senate bills approved for late introduction by the Senate Rules Committee or by vote of the Senate.

Rep. Ann Torr spoke in favor and yielded to questions.

Rep. Trombly spoke in favor.

Adopted and ordered to third reading.

## COMMITTEE REPORTS CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

**HB 58-FN-A**, increasing the supervision and service charge for parolees and probationers, and establishing a corrections supervision fund, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Corrections and Criminal Justice: This bill, as amended, increases the supervision fee for probationers and parolees and establishes a corrections supervision revolving fund with the fees collected. The commissioner may utilize the fund to employ additional temporary personnel along with operating expenses necessary to provide adequate supervision of offenders participating in community punishment and restitution initiatives. Expenditures from the fund shall not exceed receipts. Vote 18-0.

### Amendment (1790L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

increasing the supervision and service charge for parolees and probationers,  
and establishing a corrections supervision revolving fund.

Amend the bill by replacing all after the enacting clause with the following:

1 Probationers and Parolees; Supervision Fee Increased. Amend RSA 504-A:13, I to read as follows:

504-A:13 Supervision and Service Charges.

I. The court shall establish a supervision fee for probationers, and the parole board shall establish a supervision fee for parolees. The fee shall not be less than [\$17] **\$40** a month, unless waived in whole or in part by the court, [or] board **or commissioner**, and may be any greater amount as established by the court or board. [The board shall adopt rules under RSA 541-A relative to a fee schedule.] This fee shall be considered a condition of release, and failure to satisfy this obligation shall be grounds for a violation hearing, unless the probationer or parolee has been found to be indigent and, for that reason, unable to pay the fee. Service charges for collection of [fees,] fines, [and] restitution, **and fees other than supervision fees**, shall be established at 10 percent of the funds collected.

2 Supervision Fees; Distribution Changed. RSA 504-A:13, II is repealed and reenacted to read as follows:

II. Monthly supervision fees collected under this section shall be deposited as follows:

(a) \$5 to the police standards and training council training fund to defray expenses of providing training to employees of the department of corrections.

(b) The balance to be credited to the corrections supervision revolving fund established in RSA 504-A:13-a.

III. The court, for probationers and others under the court's jurisdiction, the parole board for parolees, and the commissioner for inmates, may assess fees for services and supervision provided by the division of field services not otherwise provided for by this chapter. Such fees shall be deposited in the corrections supervision revolving fund established by RSA 504-A:13-a.

3 New Section; Corrections Supervision Revolving Fund Established. Amend RSA 504-A by inserting after section 13 the following new section:

504-A:13-a Corrections Supervision Revolving Fund. There is hereby established a corrections supervision revolving fund. The commissioner may utilize the fund for the employment of additional temporary personnel and operating expenses necessary for the supervision of offenders participating in community punishment and restitution initiatives. Expenditures from the fund shall not exceed receipts.

4 Applicability. The funds in the corrections supervision revolving fund in RSA 504-A:13-a shall be used to supplement and not supplant the level of appropriation authorized for fiscal year 1995 for the division of field services.

5 Corrections Supervision Account; Reference Added. Amend RSA 651:25, V to read as follows:

V. A prisoner authorized to work at paid employment in the community under this section may be required to pay, and the commissioner of corrections is authorized to collect, such cost incident to the prisoner's confinement as the commissioner deems appropriate and reasonable. Such collections shall be deposited [with the state treasurer as a part of the general revenue of the state] *in the corrections supervision revolving fund, pursuant to RSA 504-A:13-a.*

6 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a corrections supervision revolving fund and increases the supervision and service charges for parolees and probationers. The bill also changes the distribution of the supervision fees. The commissioner may use the fund for the employment of additional temporary personnel and operating expenses for the supervision of certain offenders.

Referred to Finance.

**HB 426**, increasing the penalties for felonious use of a firearm. **OUGHT TO PASS WITH AMENDMENT**

Rep. Vivian R. Clark for Corrections and Criminal Justice: The committee sympathized with the sponsor's desire to more severely punish perpetrators of felonies who use a firearm in the commission of their crimes. The amendment, rather than increasing the length of a mandatory minimum sentence, makes such use grounds for an extended sentence regardless of whether the underlying offense is a felony or a misdemeanor. Vote 20-0.

### Amendment (1874L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

allowing an extended term of imprisonment for offenses  
committed with a firearm.

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Offenses Committed with a Firearm. Amend RSA 651:6, I by inserting after subparagraph (j) the following new subparagraph:

(k) He was armed with a firearm at the time of the offense.

### AMENDED ANALYSIS

This bill authorizes an extended term of imprisonment for offenses committed with a firearm.

**HB 50-FN**, relative to state payment of medical benefits for dependents of certain state troopers who died in the line of duty. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joanne A. O'Rourke for Finance: This bill, as amended by HB 497, requires the state to provide medical benefits for the minor, fully dependent children of three state troopers who died in the line of duty, as requested by the governor. It also provides medical benefits for the minor, fully dependent children of deceased Group I and Group II state employees who die in the line of duty. Vote 21-0.

### Amendment (1830L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to health insurance coverage for retirement  
system member spouses and dependents.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The purpose of this act is to ensure that the state pays the premium for medical and surgical benefits for the surviving spouse and dependent children of a deceased group I or group II state employee who dies as a result of injuries suffered while in the performance of

duty. The provisions enacted by this act will require the state to pay such medical and surgical benefits for the children of the late Sergeant James Noyes, Trooper Joseph Gearty, and Trooper Gary Parker, who died in the line of duty.

2 New Section; Medical and Surgical Benefits. Amend RSA 21-I by inserting after section 30 the following new section:

21-I:30-a Additional Medical and Surgical Benefits.

I. The state shall pay a premium for permanent group hospitalization, hospital medical care, surgical care, and other medical and surgical benefits for the surviving spouse and dependent children of a deceased group I or group II state employee who dies as the natural and proximate result of injuries suffered while in the performance of duty, provided that:

(a) Any such child shall qualify as a dependent under the provisions of RSA 21-I:26-36.

(b) Any such surviving spouse shall cease to be qualified for medical and surgical benefits under this section upon the remarriage of the surviving spouse.

(c) No surviving spouse or dependent children shall be qualified or continue to be qualified for medical and surgical benefits under this section while receiving medical insurance or health care benefits from any other employer-sponsored plan.

(d) The state shall pay the premium for supplemental medical and surgical benefits under this section for any such child who qualifies as a dependent under the provisions of RSA 21-I:26-36 and who is eligible for medicaid benefits.

II. In the case of the surviving spouse and dependent children of a group II state employee member who are eligible for medical and surgical benefits under this section and also under the provisions of RSA 100-A:50-55, the state shall pay the difference between the amount paid under RSA 100:52 and the premium paid under subparagraph I.

III. Funding to pay the premium for benefits under this section shall come from the benefit adjustment account.

3 Application. The provisions of section 1 of this act shall apply to any surviving spouse or dependent child who would have qualified under section 1 if that section had been in effect at the time the member died.

4 Effective Date. This act shall take effect July 1, 1995.

### AMENDED ANALYSIS

This bill requires the state to pay a premium for medical and surgical benefits for the surviving spouse and dependent children of a deceased group I or group II state employee who dies as the natural and proximate result of injuries suffered while in the performance of duty, provided that the spouse and children meet certain qualifications.

**HB 119-FN**, extending the animal population control program. OUGHT TO PASS

Rep. Merle W. Schotanus for Finance: This bill extends the animal population control program beyond its sunset date of June 30, 1997. The biennial budget will also be adjusted to reflect the amount of money generated by and required by this program to operate successfully. Vote 22-0.

**HB 181-FN**, establishing the motor oil discharge cleanup fund. OUGHT TO PASS WITH AMENDMENT

Rep. Robert G. Holbrook for Finance: This bill brings motor oil cleanup problems into line with diesel, gasoline, and fuel oil by establishing a motor oil fund with a four cents per gallon fee on oil imported into New Hampshire to be administered by the present Oil Fund Disbursement Board. Vote 22-0.

### Amendment (1850L)

Amend RSA 146-F:5, VII as inserted by section 1 of the bill by replacing it with the following:

VII. The fund shall only be available for reimbursement of costs incurred for releases of motor oil or used motor oil discovered after January 1, 1995.

Amend RSA 146-F as inserted by section 1 of the bill by inserting after RSA 146-F:5 the following new section:

146-F:6 Annual Report. The oil fund disbursement board shall submit by October 1 of each year an annual report on the status of the motor oil discharge cleanup fund to the governor, the speaker of the house and the senate president. The first report shall be submitted no later than October 1, 1996.

Amend RSA 146-D:6, VIII as inserted by section 2 of the bill by replacing it with the following:

VIII. For underground storage facilities which contain fuel oil as defined in RSA 146-E:2, II or motor oil as defined in RSA 146-F:2, I or used motor oil, only those facilities at which a release was discovered prior to January 1, 1995, are eligible for reimbursement from the oil discharge and disposal cleanup fund.

Amend the bill by replacing all after section 4 with the following:

5 New Subparagraph; Motor Oil Discharge Cleanup Fund; Application of Receipts Exception Added. Amend RSA 6:12, I by inserting after subparagraph (kkk) the following new subparagraph:

(III) Moneys received under RSA 146-F:3, which shall be credited to the motor oil discharge cleanup fund.

6 Department of Safety Rulemaking; Reference Added. Amend RSA 21-P:14, V(q) to read as follows:

(q) Procedures for the inspection and verification of oil import records pursuant to RSA 146-A:11-b, RSA 146-D:3 [and], RSA 146-E:3, *and RSA 146-F:3* after consultation with the division of water supply and pollution control and the oil fund disbursement board, and pursuant to RSA 147-B:12 after consultation with the division of waste management.

7 Road Toll; Reference Added. Amend RSA 260:38, IV to read as follows:

IV. The department of safety shall be responsible for licensing and the collection of the fee established under RSA 146-A:11-b, RSA 146-D:3, [and] RSA 146-E:3, *and RSA 146-F:3* and transfer of such fees into the appropriate designated funds under rules adopted by the commissioner pursuant to RSA 541-A, after consultation with the division of water supply and pollution control and the oil fund disbursement board. The department of safety shall be responsible for the collection of the fee established under RSA 147-B:12 and transfer of such fee into the hazardous waste cleanup fund under rules adopted by the commissioner pursuant to RSA 541-A, after consultation with the division of waste management.

8 Applicability of Rules Adopted Under RSA 146-D. The oil fund disbursement board may administer disbursements from the motor oil discharge cleanup fund under its present rules adopted under RSA 146-D for granting reimbursements from the oil discharge and disposal cleanup fund, in effect as of July 1, 1995, to the extent that such rules are applicable to motor oil storage facilities.

9 Reference Removed. Amend RSA 146-D:6, VIII to read as follows:

VIII. For underground storage facilities which contain fuel oil as defined in RSA 146-E:2, II or motor oil [as defined in RSA 146-F:2, I], or used motor oil, only those facilities at which a release was discovered prior to January 1, 1995, are eligible for reimbursement from the oil discharge and disposal cleanup fund.

10 Department of Safety Rulemaking; Reference Removed. Amend RSA 21-P:14, V(q) to read as follows:

(q) Procedures for the inspection and verification of oil import records pursuant to RSA 146-A:11-b, RSA 146-D:3, *and*[,] RSA 146-E:3[, and RSA 146-F:3] after consultation with the division of water supply and pollution control and the oil fund disbursement board, and pursuant to RSA 147-B:12 after consultation with the division of waste management.

11 Road Toll; Reference Removed. Amend RSA 260:38, IV to read as follows:

IV. The department of safety shall be responsible for licensing and the collection of the fee established under RSA 146-A:11-b, RSA 146-D:3, *and* RSA 146-E:3[, and RSA 146-F:3] and transfer of such fees into the appropriate designated funds under rules adopted by the commissioner pursuant to RSA 541-A, after consultation with the division of water supply and pollution control and the oil fund disbursement board. The department of safety shall be responsible for the collection of the fee established under RSA 147-B:12 and transfer of such fee into the hazardous waste cleanup fund under rules adopted by the commissioner pursuant to RSA 541-A, after consultation with the division of waste management.

12 Funds Transferred. Any moneys remaining in the motor oil discharge cleanup fund on January 1, 2005, shall be transferred to the oil pollution control fund established in RSA 146-A:11-a.

13 Repeals. The following are repealed:

I. RSA 6:12, I(III); relative to an application of receipts exception for the motor oil discharge cleanup fund.

II. RSA 146-F, relative to the motor oil discharge cleanup fund.

14 Effective Date.

I. Sections 9-13 of this act shall take effect January 1, 2005.

II. The remainder of this act shall take effect July 1, 1995.

### AMENDED ANALYSIS

This bill establishes a motor oil discharge cleanup fund to be funded by a \$.04 per gallon motor oil importation fee.

This bill repeals the motor oil discharge cleanup fund on January 1, 2005.

**HB 324-FN**, relative to taking or harvesting clams and relative to clam license fees. **OUGHT TO PASS**

Rep. Paul I. LaMott for Finance: This bill provides the necessary funds for enforcement and also monitoring the safety of the flats. Vote 19-0.

**HB 497-FN**, relative to health insurance coverage for retirement system member spouses and dependents. **INEXPEDIENT TO LEGISLATE**

Rep. Joanne A. O'Rourke for Finance: The language in this bill has been amended into HB 50. Vote 21-0.

**HB 545-FN**, relative to child support collection and related rulemaking authority of the director of human services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary Jane Wallner for Finance: This bill authorizes the Director, the Division of Human Services to adopt rules to amend the child support distribution formula. The bill also authorizes the development of data collection to monitor the efficacy of child support collection for families who no longer receive AFDC benefits. Vote 19-2.

### Amendment (1848L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to child support collection and related rulemaking authority of the director of human services and making an appropriation therefor.

Amend the bill by inserting after section 5 the following new section and renumbering original section 6 to read as 7:

6 Appropriation. The sum of \$45,605 for the fiscal year ending June 30, 1996, is hereby appropriated to the division of human services, department of health and human services, for the purposes of this act. Of such appropriation, \$30,099 shall be from federal funds and \$15,506 shall be from state funds. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

### AMENDED ANALYSIS

This bill authorizes the director of human services to adopt rules to amend the formula for distribution of child support collected by the office of child support enforcement services, and authorizes the director and the administrator of child enforcement services to develop the data collection capacity to monitor the efficacy of child support collection for households whose AFDC benefits have terminated within the last 24 months or which contain a Medicaid-eligible person. It also makes an appropriation for the fiscal year ending June 30, 1996.

**HB 560-FN-A**, establishing a residential care pilot program and making an appropriation therefor. **OUGHT TO PASS**

Rep. Margaret A. Lynch for Finance: This bill utilizes a medicaid waiver to establish a residential care pilot program to assist in the maintenance of residential care for certain of our citizens. Vote 20-2.

**HB 571-FN**, relative to use of per diem compensation by the state to pay certain costs of employing superior court bailiffs; increasing the pay of parole board members; and requiring a termination provision for advisory committees. **OUGHT TO PASS WITH AMENDMENT**



Rep. Robert L. Wheeler for Finance: The majority of the committee felt that the court should cover state expenses and the county should cover any expenses imposed by the sheriffs. Vote 19-0.

### **Amendment (1854L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to use of per diem compensation by state boards and commissions and by the counties to pay certain costs for requirements of bailiffs imposed by a county sheriff's department; increasing the pay of parole board members; and requiring a termination provision for advisory committees.

Amend the bill by replacing section 2 with the following:

2 Fees for Deputy Sheriffs Employed as Bailiffs. Amend RSA 104:31, XII to read as follows:

XII. For each day any deputy sheriff is employed as a bailiff, he shall be paid \$50 a day plus traveling expenses to attend to any official business. The state shall reimburse the counties for all costs associated with employing superior court bailiffs if those costs are the result of job requirements imposed by federal and state governments. *Any costs for requirements of bailiffs imposed by a county sheriff's department shall be paid by the county.*

### **AMENDED ANALYSIS**

This bill permits boards and commissions which recover fees on an annual or biennial basis at 125 percent of their direct costs to adopt by rule per diem rates for their respective board members. The bill also permits boards and commissions to retain expert witnesses and legal counsel under certain circumstances.

The bill also requires the counties to pay for requirements of bailiffs imposed by a county sheriff's department. The bill increases the pay of parole board members. The bill requires each advisory committee created after July 1, 1995, under RSA 21-G:11 to terminate after a 3-year period, unless continued by legislative action.

**HB 584-FN-L**, relative to payment in lieu of taxes for the dam owned by the division of water resources in Pittsburg and Clarksville. OUGHT TO PASS

Rep. Donna M. Soucy for Finance: This bill increases from \$12,500 to \$40,000 the annual payment in lieu of taxes which the division of water resources must make for the dam and appurtenances which it owns in Pittsburg and Clarksville. The \$12,500 was first established in 1955 and had not been changed since. Vote 21-1.

**HB 601-FN**, relative to retirement benefits for a former group II member of the New Hampshire retirement system. OUGHT TO PASS WITH AMENDMENT

Rep. Robert L. Wheeler for Finance: This is an equity bill. The majority of the committee felt it was appropriate to make the Group II participant whole as a member eligible for disability. Vote 22-0.

### **Amendment (1832L)**

Amend paragraph II of section 2 of the bill by replacing it with the following:

II. The provisions of RSA 100-A:7 and RSA 100-A:11, I(a) shall not apply to sections 1 and 2 of this act with respect to the same period of time during which the former retirement system member was ineligible for disability retirement benefits under RSA 100-A:6.

Reps. Howard Williams and Mary Brown wished to be recorded in opposition to the report.

**SB 112-LOCAL**, relative to discontinuance of highways. OUGHT TO PASS WITH AMENDMENT

Rep. John P. Chandler for Public Works and Highways: This bill sought to prevent reoccurrence of the loss of access provided by the state to a particular parcel of land when interchange 5 was constructed on I-93 some years ago. In this particular case the Class V highway lapsed to Class VI because it had not been maintained for more than five years. The original bill would prohibit town meeting from reclassifying such a Class V highway without the consent of the affected property owners. Whereas action by town meeting can lead to the same result, the amendment adds the restraint necessary to avoid loss of access arising simply from lack of maintenance for five or more years. Vote 16-0.

**Amendment (1855L)**

Amend the title of the bill by replacing it with the following:

**AN ACT**

relative to the maintenance and discontinuance of class V highways.

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1 and 2 to read as 3 and 4, respectively:

1 Definition Modified. Amend RSA 229:5, VII to read as follows:

VII. Class VI highways shall consist of all other existing public ways, and shall include all highways discontinued as open highways and made subject to gates and bars, except as provided in paragraph III-a, and all highways which have not been maintained and repaired by the town in suitable condition for travel thereon for 5 successive years or more *except as restricted by RSA 231:3, II.*

2 City or Town's Duty to Maintain a Class V Highway Expanded. Amend RSA 231:3 to read as follows:

231:3 Class V Town Roads.

*I. All class V highways shall be constructed, reconstructed and maintained by the city or town in which they are located; provided, however, that town road aid may be used for such purposes, and town bridge aid may be used for the construction or reconstruction of any bridge thereon, as hereinafter provided.*

*II. If a city or town accepts from the state a class V highway established to provide a property owner or property owners with highway access to such property because of a taking under RSA 230:14, then notwithstanding RSA 229:5, VII, such a highway shall not lapse to class VI status due to failure of the city or town to maintain and repair it for 5 successive years, and the municipality's duty of maintenance shall not terminate, except with the written consent of the property owner or property owners.*

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect 30 days after its passage.

**AMENDED ANALYSIS**

This bill prohibits a town from discontinuing a class V highway laid out to provide a property owner or property owners with highway access because of a taking under RSA 230:14 except by written consent of each property owner or property owners.

This bill requires a city or town to maintain and repair certain class V highways accepted from the state for at least 5 successive years.

**REGULAR CALENDAR**

**HB 52-FN-L**, changing the age for application of the delinquency provisions from 18 to 17. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Donnaltee M. Lozeau for the Majority of Corrections and Criminal Justice: This bill makes a number of important changes to state policy concerning Juvenile delinquency. The age for treatment as an adult is changed from 18 to 17 in recognition of the observation that today's young people are generally more sophisticated than when the current law was enacted. For 15 and 16 year olds who commit violent crimes, the burden of proof is shifted from the state to the defendant to establish that he should not be treated as an adult. The bill provides a mechanism for continued treatment of delinquents after their 17th birthday. Confidentiality for juvenile proceedings is maintained except for serious offenders whose identity and disposition may be disclosed only if the court found they committed the offense. The list of crimes for which those who are 13 and older may be certified as adults is increased to include all felonies against the person. Additionally, the bill eliminates the current provision that allows a defendant who is unhappy with the outcome at the district court level to start from scratch at the superior court, thus having a second bite at the apple. Instead, appeals will be taken to the supreme court. Concerns about the impact on counties have been addressed in the amendment so that there should be no negative effect on county budgets. Funding for 17 year olds who would otherwise be in the juvenile system is transferred from DCYF to Department of Corrections, so that the money follows the offender. The majority of the committee believes that the bill embodies a balanced approach to the juvenile justice system by requiring increased accountability on the part of serious offenders, while also providing appropriate treatment for those who need it. Vote 14-7.

Reps. Patricia A. Hambrick, Donald W. Gorman, Ronald G. Russell, Kathryn W. Toomey, Anne M. Coughlin, Richard F. Doucette, for the Minority of Corrections and Criminal Justice: The minority has serious concerns about adopting a policy which has failed in other states and which scoops up all 17 year olds into an adult system which is already dangerously overburdened. The stated intent by the Governor when introducing this bill was to crack down on violent teenage offenders. In reality, only 2.4 percent of juvenile offenders are violent. A policy change of this magnitude should be part of a long-range plan which has considered all aspects of the criminal justice system and has had input from experts in all fields. Changing the system piecemeal in this manner is not sound public policy.

### Amendment (1885L)

Amend the bill by replacing all after the enacting clause with the following:

1 "Age of Majority" Relating to Corrections Revised. Amend RSA 21-H:2, I to read as follows:

I. "Adult" means, *notwithstanding RSA 21:44*, any person [18] 17 years of age or older or any person under the age of [18] 17 who has been certified as an adult pursuant to RSA 169-B:24.

2 Definition of "Delinquent" Revised. Amend RSA 21-H:2, IV to read as follows:

IV. "Delinquent" or "delinquent child" means, *notwithstanding RSA 21:44*, a person who has committed an offense before reaching the age of [18] 17 years which would be a felony or misdemeanor under the criminal code of this state if committed by an adult.

3 Applicability and Purpose Revised; Gender Neutral Language Substitution. Amend RSA 169-B:1, I-III to read as follows:

I. To encourage the wholesome moral, mental, emotional, and physical development of each minor coming within the provisions of this chapter, by providing [him with] the protection, care, treatment, counselling, supervision, and rehabilitative resources which [he] *such minor* needs [and has a right to receive];.

II. Consistent with the protection of the public interest, to [remove from a minor committing a delinquency offense the taint of criminality and the penal consequences of criminal behavior, by substituting therefor an individual program of] *promote the minor's acceptance of personal responsibility for delinquent acts committed by the minor, encourage the minor to understand and appreciate the personal consequences of such acts, and provide a minor who has committed delinquent acts with* counselling, supervision, treatment, and rehabilitation[.];.

III. To achieve the foregoing purposes and policies, whenever possible, by keeping a minor in contact with [his] *the* home community and in a family environment by preserving the unity of the family and separating the minor [from his] *and* parents only when it is clearly necessary for [his] *the minor's* welfare or the interests of public safety and when it can be clearly shown that a change in custody and control will plainly better the minor[; and].

4 Definition of "Delinquent" Revised. Amend RSA 169-B:2, IV to read as follows:

IV. "Delinquent" means a person who has committed an offense before reaching the age of [18] 17 years which would be a felony or misdemeanor under the criminal code of this state if committed by an adult, and is expressly found to be in need of counselling, supervision, treatment, or rehabilitation as a consequence thereof.

5 Gender Neutral Language Substitution. Amend RSA 169-B:2, V-a to read as follows:

V-a. "Home detention" means court-ordered confinement of a minor with [his] *the* parents or other specified home for 24 hours a day unless otherwise prescribed by written court order, under which the minor is permitted out of the residence only at such hours and in the company of persons specified in the court order establishing the home detention.

6 Definition of "Minor" Relating to Delinquency Revised. Amend RSA 169-B:2, VI to read as follows:

VI. "Minor" means a person under the age of [18] 17.

7 Gender Neutral Language Substitution. Amend the introductory paragraph of RSA 169-B:2, VIII and 169-B:2, VIII(a) and (b) to read as follows:

VIII. "Conditional release" means a legal status created by court order following an adjudication that a [child] *minor* is delinquent and shall be permitted to remain in the community, including [his] *the minor's* home, subject to:

(a) The conditions and limitations of [his] *the minor's* conduct prescribed by the court;

(b) Such counselling and treatment as deemed necessary, pursuant to methods and conditions prescribed by the court, for the minor and [his] family;

8 Jurisdiction Over Minors Revised; Gender Neutral Language Substitution. Amend RSA 169-B:4 to read as follows:

169-B:4 Jurisdiction Over Certain Persons.

I. The court shall have jurisdiction over any [person] *minor* with respect to whom a petition is filed under this chapter after [his eighteenth] *the minor's seventeenth* and before [his nineteenth] *the minor's eighteenth* birthday for an alleged delinquency offense committed before [his eighteenth] *the minor's seventeenth* birthday, provided no [person] *minor* may be detained at or committed to the youth development center after [his eighteenth] *the minor's seventeenth* birthday.

II. The court may[, with the consent of the child,] retain jurisdiction over any [child under this section who is attending school for the purpose of obtaining a high school diploma or general equivalency diploma. The court shall make orders relative to the support and maintenance of the child] *minor* during the period after the [child's eighteenth] *minor's seventeenth* birthday as justice may require *for any minor who, prior to the minor's seventeenth birthday, was adjudicated delinquent and:*

(a) *For whom the division has recommended extension of the court's jurisdiction;*

(b) *Who has, prior to the minor's seventeenth birthday, consented to the court's retention of jurisdiction; and*

(c) *Who is attending school for the purpose of obtaining a high school diploma or general equivalency diploma and is considered likely to receive such diploma.*

III. *At the request of the prosecutor or the division, the court may retain jurisdiction over the minor for a period of up to 2 years following the completion of any appeal if the petition was filed after the minor had attained the age of 16 years. Notwithstanding the provisions of RSA 169-B:19, III, when jurisdiction is retained pursuant to this section, the court may sentence a person to the county correctional facility for a term that may extend beyond the person's eighteenth birthday.*

IV. The court shall close the case when the [child] *minor* reaches age [18] 17[, or, if jurisdiction is [retained, when the child ceases to be enrolled as a full-time student during sessions of the school, or graduates from such school, or upon reaching the age of 21, whichever shall first occur.] *extended pursuant to paragraph II, when:*

(a) *The minor revokes the minor's consent in writing and such revocation has been approved by the court;*

(b) *The minor ceases to be enrolled as a full time student during sessions of the school;*

(c) *The minor graduates from high school or receives a general equivalency diploma;*

(d) *The minor attains 21 years of age; or*

(e) *The division revokes its consent in writing;*

*whichever event shall first occur. The court shall approve the minor's revocation of consent if it finds that the minor, in seeking to do so, is acting intelligently, knowledgeably, and in acceptance of the legal consequences.*

V. *Notwithstanding paragraph III, when the court finds by clear and convincing evidence that closing the case would endanger the safety of the minor, any other person, or the community, or the court finds that there is a high probability that continued provision of treatment services is necessary to rehabilitate the minor, the court may retain jurisdiction over any minor:*

(a) *Who has been found to have committed a violent crime as defined under RSA 169-B:35-a, I(c); or*

(b) *Who has been petitioned to the court on 4 or more occasions and adjudicated delinquent in 4 separate adjudicatory hearings which alleged misdemeanor or felony offenses.*

VI. *A minor may be subject to the extended jurisdiction of the court for a period of time no longer than that for which an adult could be committed for a like offense or the minor reaches the age of 21, whichever occurs first. For purposes of this section, the time shall be calculated from the date of the original dispositional order.*

9 Gender Neutral Language Substitution. Amend RSA 169-B:7, I to read as follows:

I. After a legally sufficient petition has been filed, the court shall issue a summons to be served personally or, if personal service is not possible, at the usual place of abode of the person having custody or control of the minor or with whom the minor may be, requiring that person

to appear with the minor at a specified place and time, which time shall not be less than 24 hours nor more than 7 days after service. If the person so notified is not the parent or guardian of the minor, then a parent or guardian shall be notified, provided they and their residence are known, or if there is neither parent nor guardian, or their residence is not known, then some relative, if there be one [and his] *whose* residence is known.

10 Gender Neutral Language Substitution. Amend RSA 169-B:9 to read as follows:

169-B:9 Arrest. Nothing in this chapter shall be construed as forbidding any police officer or juvenile services officer from immediately taking into custody any minor who is found violating any law, or who is reasonably believed to be a fugitive from justice, or whose circumstances are such as to endanger [his] *such minor's* person or welfare, unless immediate action is taken.

11 Gender Neutral Language Substitution. Amend RSA 169-B:10 to read as follows:

169-B:10 Release Without Court Referral. An officer authorized under RSA 169-B:9 to take a minor into custody may dispose of the case without court referral by releasing the minor to a parent, guardian, or custodian and may, with the consent of the minor and minor's parent, guardian or custodian, refer the minor to a court approved diversion program. The officer shall make a written report to [his] *the officer's* department identifying the minor, specifying the grounds for taking the minor into custody and indicating the basis for the disposition.

12 Gender Neutral Language Substitution. Amend RSA 169-B:12, I to read as follows:

I. Absent a valid waiver, the court shall appoint counsel at the time of arraignment of an indigent minor, provided that an indigent minor detained pursuant to RSA 169-B:11, III, shall have counsel appointed upon the issuance of the detention order. For purposes of the appointment of counsel under this section, an indigent minor shall be a minor who satisfies the court, after appropriate inquiry [of the minor], that [he] *the minor* is financially unable to *independently* obtain counsel [on his own].

13 Gender Neutral Language Substitution. Amend RSA 169-B:14, I(e) (2) (B) to read as follows:

(B) To provide care and supervision for a minor who is in danger of [harming himself] *self-inflicted harm* when no parent, guardian, custodian, or other suitable person or program is available to supervise and provide such care; or

14 Gender Neutral Language Substitution. Amend RSA 169-B:16, II to read as follows:

II. Following arraignment, the court shall proceed to hear the case in accordance with the due process rights afforded a minor charged with delinquency. The prosecution shall present witnesses to testify in support of the petition and any other evidence necessary to support the petition. The minor shall have the right to present evidence and witnesses on [his] behalf *of the minor* and to cross-examine adverse witnesses.

15 Gender Neutral Language Substitution. Amend RSA 169-B:19, I(j) to read as follows:

(j) Commit the minor to the youth development center for [his] *the remainder of* minority.

16 Disposition; Age Lowered; Gender Neutral Language Substitution. Amend RSA 169-B:19, III to read as follows:

III. A minor found to be a delinquent *on a petition filed* after [his seventeenth] *the minor's sixteenth* birthday, in addition to or in place of the dispositions provided for in paragraph I, may be committed to a county correctional facility for no greater term than an adult could be committed for a like offense; provided, however, that during [his] minority [he] *the minor* shall not be confined in a county correctional facility and provided further that [said] *the* term shall not extend beyond [his nineteenth] *the minor's eighteenth* birthday.

17 New Paragraph; Extending Jurisdiction; Department of Corrections Access to Records; Transfer of Supervision and Place of Detention. Amend RSA 169-B:19 by inserting after paragraph III the following new paragraph:

III-a.(a) Prior to the seventeenth birthday of a minor who had been adjudicated delinquent for committing a violent crime as defined in RSA 169-B:35-a, I(c), or who had been petitioned to court on 4 or more occasions and adjudicated delinquent in 4 separate adjudicatory hearings which alleged misdemeanor or felony offenses, the prosecutor or the division for children, youth, and families may file a motion with the court to extend jurisdiction pursuant to RSA 169-B:4, V. The department of corrections shall be served a copy of the motion and be a party to the proceeding.

(b) For purposes of assessing whether a minor meets the criteria of RSA 169-B:4, V, the division may provide representatives of the department of corrections with access to the minor's case records.

(c) If the court retains jurisdiction over the minor pursuant to RSA 169-B:4, V, the court may modify any dispositional order to transfer supervision from the division for children, youth, and families to the department of corrections, or to transfer the place of detention from the youth development center to an adult facility.

(d) If the court orders a transfer of placement or supervisory authority, the court shall also order the transfer of all of the minor's treatment records to the agency having supervisory authority over the minor.

(e) When a dispositional order is extended beyond the minor's seventeenth birthday, the court may enforce its order with a finding of criminal contempt. Notwithstanding RSA 169-B:35, the state may utilize any relevant portion of a juvenile's records in a criminal contempt proceeding.

18 Gender Neutral Language Substitution. Amend RSA 169-B:19, VI to read as follows:

VI. Notwithstanding RSA 169-B:19, I(j), a minor committed to the youth development center for [his] *the remainder of* minority may be placed at any facility certified by the director, division for children, youth, and families, for the commitment of minors. The administrator, bureau of residential services or its successor, shall be responsible for notifying the court of any such placement and of any subsequent changes in placement.

19 Gender Neutral Language Substitution. Amend RSA 169-B:20 to read as follows:

169-B:20 Determination of Competence. Any minor before the court shall, at the discretion of the court, together with parents, guardian or person with custody or control submit to a mental health evaluation to be completed within 60 days, by an agency other than the Philbrook center, approved by the commissioner of health and human services, a psychologist certified in New Hampshire, or a qualified psychiatrist, provided that the evaluation may be performed by the Philbrook center only upon receiving prior approval for such evaluation from the director, division of mental health and developmental services or [his] designee. A written report of the evaluation shall be given to the court before the hearing on the merits is held. The court shall inform the parents, guardian or counsel of the minor of their right to object to the mental health evaluation. They shall object in writing if they so desire to the court having jurisdiction of the matter within 5 days after notification of the time and place of the evaluation, and the court shall hold a hearing to consider the objection prior to ordering the evaluation or, upon good cause shown, may excuse the minor, parents, guardian, or person in custody or control from the provisions of this section. Whenever such an evaluation has been made for consideration at a previous hearing, it shall be jointly reviewed by the court and the evaluating agency before the case is heard. The evaluation facility, agency or individual shall keep records; but no reports or records of information contained [therein] *in the reports* shall be made available, other than to the court and parties, except upon the written consent of the person examined or treated and except as provided in RSA 169-B:35. The expense of such evaluation is to be borne as provided in RSA 169-B:40.

20 New Paragraphs; Transfer to Superior Court; Format Revised. RSA 169-B:24 is repealed and reenacted to read as follows:

169-B:24 Transfer to Superior Court.

I. All cases before the court in which the offense complained of constitutes a felony or would amount to a felony in the case of an adult may be transferred to the superior court prior to hearing under 169-B:16 as provided in this section. The court shall conduct a hearing on the question of transfer and shall consider, but not be limited to, the following criteria in determining whether a case should be transferred:

(a) The seriousness of the alleged offense to the community and whether the protection of the community requires transfer.

(b) The aggressive, violent, premeditated, or willful nature of the alleged offense.

(c) Whether the alleged offense was committed against persons or property.

(d) The prosecutive merit of the complaint.

(e) The desirability of trial and disposition of the entire offense in one court if the minor's associates in the alleged offense were adults who will be charged with a crime.

(f) The sophistication and maturity of the minor.

(g) The minor's prior record and prior contacts with law enforcement agencies.

(h) The prospects of adequate protection of the public, and the likelihood of reasonable rehabilitation of the minor through the juvenile court system.

II. The minor shall be entitled to the assistance of counsel. Both the prosecutor and counsel for the minor shall have access to the court records, probation reports, or other agency reports. If the court orders transfer to superior court, it shall provide a written statement of findings and reasons for such transfer to the minor. When persons so certified are accepted by the superior court, the superior court may dispose of all criminal charges arising out of the incident which led to the transfer petition according to the relevant laws of this state without any limitations as to sentence or orders required by this chapter. All original papers in transferred cases shall remain in the court from which transferred and certified copies of the papers shall be filed with and shall constitute the records of the court to which transfer is made. Pending disposition by the superior court, a juvenile who is transferred and accepted by the superior court may be placed under the supervision of the department of corrections or required to recognize with sufficient sureties, or in default of such sureties, be detained at a county correctional facility to await disposition of the case in the superior court; provided, however, once a minor is certified for trial as an adult and the person is transferred to the superior court, detention at the youth development center is prohibited.

III. Upon the filing of a petition for transfer to the superior court, the court shall conduct a scheduling hearing and establish a scheduling order for all future hearings necessary to the transfer petition, notwithstanding the provisions of RSA 169-B:14, II.

IV. When the felony offense charged is first degree murder, second degree murder, attempted murder, manslaughter, first degree assault, second degree assault (except when the allegation is a violation of RSA 631:2, I(d)), aggravated felonious sexual assault, kidnapping, criminal restraint, robbery punishable as a class A felony, a violation of RSA 318-B:26, I(a) or (b), or when the minor is charged with any felony and, prior to the filing of the felony petition, the minor has been petitioned to the court on 4 or more occasions and adjudicated delinquent in 4 separate adjudicatory hearings which alleged misdemeanor or felony offenses, and the minor commits the act after the minor's fifteenth birthday, there shall be a presumption that the factors listed in RSA 169-B:24, I support transfer to the superior court.

21 Petitions; Age Lowered; Gender Neutral Language Substitution. Amend RSA 169-B:25 and 26 to read as follows:

169-B:25 Petition by County Attorney *or Attorney General*. If facts are presented to the county attorney *or attorney general* establishing that a person under the age of [18] 17 has been guilty of conduct which constitutes a felony or would amount to a felony in the case of an adult and if such person is not within the jurisdiction of this state, the county attorney *or attorney general* may file a petition with the judge of the municipal or district court which would otherwise have jurisdiction under the provisions of this chapter. The petition shall set forth the nature of the offense with which the person is charged and shall specify [his] *the person's* whereabouts if known. On receipt of such petition, the court may summarily authorize the county attorney *or attorney general* to proceed against such person under regular criminal procedures, and without regard to the provisions of this chapter. Pending determination by the superior court as [herein] provided *in this section* and pending final disposition of the matter, such persons shall be bailable with sufficient sureties as in the case of adults and, in default thereof, may be committed to the custody of the juvenile services officer or detained at a county correctional facility unless detention elsewhere is ordered by the superior court. The superior court shall determine, after hearing, whether such person shall be treated as a juvenile under the provisions of this section or whether the case shall be disposed of according to regular criminal procedures.

169-B:26 Petition by Minor. At any time prior to hearing pursuant to RSA 169-B:16, a minor who is charged with an act of delinquency committed after [his seventeenth] *the minor's sixteenth* birthday may petition the court to be tried as an adult and to have [his] *such* case dealt with in the same manner as any other criminal prosecution.

22 Gender Neutral Language Substitution. Amend RSA 169-B:28 to read as follows:

169-B:28 Disqualification of Judge. A judge who conducts a hearing pursuant to RSA 169-B:24, RSA 169-B:25 or RSA 169-B:26 shall not participate in any subsequent proceedings relating to the offense or conduct alleged in the delinquency petition if the minor or [his] counsel *for the minor* [object] *objects* to such participation.

23 Appeal to State Supreme Court; De Novo Hearing Deleted. Amend RSA 169-B:29 to read as follows:

169-B:29 Appeals. An appeal, under this chapter, may be taken to the [superior] *supreme* court by the minor within 30 days of the final dispositional order; but an appeal shall not suspend the order or decision of the court unless the court so orders. [The superior court shall hear the matter de novo, and shall give an appeal under this chapter priority on the court calendar.]

24 Gender Neutral Language Substitution. Amend the introductory paragraph of RSA 169-B:33 to read as follows:

169-B:33 Religious Preference. The court and officials, in placing minors, shall, as far as practicable, place them in the care and custody of some individual holding the same religious belief as the minor or the parents of said minor, or with some association which is controlled by persons of like religious faith. No minor under the supervision of any state institution shall be denied the free exercise of [his] *the minor's own* religion or the religion of [his] *the* parents, whether living or dead, nor the liberty of worshipping God according thereto.

25 Exception to Confidentiality of Juvenile Records. Amend RSA 169-B:35, II to read as follows:

II. Court records of proceedings under this chapter, *except for those court records under RSA 169-B:36, II*, shall be kept in books and files separate from all other court records. Such records shall be withheld from public inspection but shall be open to inspection by officers of the institution where the minor is committed, juvenile services officers, a parent, a guardian, a custodian, the minor's attorney, the relevant county, and others entrusted with the corrective treatment of the minor. Additional access to court records may be granted by court order or upon the written consent of the minor. Once a delinquent reaches [19] *21* years of age, all court records and individual institutional records, including police records, shall be [sealed] *closed* and placed in an inactive file.

26 New Paragraph; Police Records; Use in Delinquency Cases. Amend RSA 169-B:35 by inserting after paragraph II the following new paragraph:

III. Notwithstanding paragraphs I and II:

(a) Police officers and prosecutors involved in the investigation and prosecution of criminal acts shall be authorized to access police records concerning juvenile delinquency, including the files of persons who at the time of the inquiry are over the age of 17, and to utilize for the purposes of investigation and prosecution of criminal cases police investigative files on acts of juvenile delinquency, including information from police reports, exemplars, and forensic investigations.

(b) Prosecutors involved in the prosecution of criminal acts shall be authorized to access police records concerning juvenile delinquency or records of adjudications of delinquency, including the files of persons who at the time of the inquiry are over the age of 17, if the prosecutor has reason to believe that the individual may be a witness in a criminal case. The prosecutor may disclose the existence of an adjudication for juvenile delinquency only when such disclosure is constitutionally required or after the court having jurisdiction over the criminal prosecution orders its disclosure.

27 Disclosure of Juvenile Records for Violent Crime. Amend RSA 169-B:36 to read as follows:

169-B:36 Penalty for Disclosure of Juvenile Records.

I. It shall be unlawful for any person to disclose court records or any part thereof to persons other than those persons entitled to access under RSA 169-B:35, except by court order. Any person who knowingly violates this provision shall be guilty of a misdemeanor. This prohibition shall not be construed to prevent publication as provided in RSA 169-B:37.

II. *Notwithstanding paragraph I, in cases involving a violent crime as defined in RSA 169-B:35-a and when the petition is found to be true, the following information may be disclosed by the court clerk after the adjudicatory hearing:*

(a) *The name and address of the juvenile charged.*

(b) *The specific offense found by the court to be true.*

(c) *The custody status of the juvenile.*

(d) *The final disposition ordered by the court.*

*Information provided in subparagraphs (c) and (d) shall not identify the name or address of private providers of residential or other services to the juvenile.*

28 Age Lowered; Gender Neutral Language Substitution. Amend RSA 169-B:40, VI to read as follows:



VI. Notwithstanding any subsequent acts of delinquency or other acts committed by the minor which bring [him] *the minor* to the attention of a district court, the county having liability for the minor pursuant to paragraph IV shall remain the county liable for the minor until the person reaches [19] *18* years of age or the court's jurisdiction is ended, whichever comes first.

29 Gender Neutral Language Substitution. Amend RSA 169-B:41, I to read as follows:

1. Any parent or guardian or person having custody or control of a minor, or anyone else, who shall knowingly encourage, aid, cause, or abet, or connive at, or has knowingly or willfully done any act to produce, promote, or contribute to the delinquency of such minor, shall be guilty of a misdemeanor. The court may release such person on probation, subject to such orders as it may make concerning future conduct tending to produce or contribute to such delinquency, or it may suspend sentence, or before trial, with [his] *such person's* consent, it may allow [him] *the person* to enter into a recognizance, in such penal sum as the court may fix, conditioned for the promotion of the future welfare of the minor, and [said] *the* case may be placed on file.

30 Gender Neutral Language Substitution. Amend RSA 169-B:43 to read as follows:

169-B:43 Court Orders. The court, upon a complaint issued under RSA 169-B:42, may proceed under [said] *that* section and, in addition [thereof], if the court finds, after a hearing, that the parent, guardian or person having custody or control of the minor has failed to exercise reasonable diligence in the control of such minor to prevent [him] *the minor* from becoming guilty of juvenile delinquency as defined by statute, or from becoming adjudged by the court to be in need of the care and protection of the state as defined by statute, it may make such order specifying future conduct as is designed to reasonably prevent the reoccurrence of delinquency and to promote the future welfare of the minor. Such order shall remain in effect for a period of not more than 1 year to be specified by the court, and said order may be extended or renewed by the court. Before issuing any such order, the court shall advise such parent, guardian or other person of [his] *the* right to have the reasonableness [thereof] *of the order* immediately reviewed; and, in this connection, the superior court is vested with jurisdiction to summarily determine the reasonableness of any question of law or fact relating to such written specifications and to make such further orders upon review thereof as justice may require.

31 Gender Neutral Language Substitution. Amend RSA 169-B:45, IV to read as follows:

IV. If the person violates the court's order to submit restitution under this section, [he] *such person* shall be guilty of contempt.

32 Gender Neutral Language Substitution. Amend RSA 169-B:46 to read as follows:

169-B:46 Publication Permitted. Notwithstanding the provisions of RSA 169-B:36 and 169-B:37, there shall be no restriction on the publishing or broadcasting of the name or address of any child found to have committed vandalism under RSA 169-B:45, or any child who is adjudicated to have committed a second or subsequent offense for the possession with intent to distribute any controlled drug, as defined in RSA 318-B:1, VI, and who is at least 12 years of age at the time of such offense, or the name or address of [his] *the* parent or guardian.

33 Appeal to State Supreme Court; De Novo Hearing Deleted. Amend RSA 169-C:28 to read as follows:

169-C:28 Appeals. An appeal under this chapter may be taken to the [superior] *supreme* court by the child or [his] *the child's* authorized representative or any party having an interest, including the state, within 30 days of the final dispositional order; but an appeal shall not suspend the order or decision of the court unless the court so orders. [The superior court shall hear the matter de novo, and shall give an appeal under this chapter priority on the court calendar.] For purposes of this chapter, a "final dispositional order" includes a dismissal of a petition for abuse and neglect by the district court.

34 Person 13 Years of Age or Older; Criminal Responsibility; Offenses Revised. Amend RSA 628:1, II to read as follows:

II. A person 13 years of age or older may be held criminally responsible for the following offenses if [his] *the person's* case is transferred to the superior court under the provisions of RSA 169-B:24:

(a)(1) First degree murder as defined in RSA 630:1-a.

[(b)](2) Second degree murder as defined in RSA 630:1-b.

[(c)](3) Manslaughter as defined in RSA 630:2.

(b) *First degree assault as defined in RSA 631:1.*

(c) *Second degree assault as defined in RSA 631:2.*

(d) Kidnapping as defined in RSA 633:1.

(e) Aggravated felonious sexual assault as defined in RSA 632-A:2.

(f) *Criminal restraint as defined in RSA 633:2.*

(g) *Class A felony robbery as defined in RSA 636:1.*

(h) *Attempted murder.*

35 Age Lowered; Definition of "Child," "Minor," or "Juvenile." Amend RSA 621:3, II to read as follows:

II. "Child," "minor," or "juvenile" means a person under the age of [18] **17** years.

36 Age Lowered; Definition of "Delinquent." Amend RSA 621:3, V to read as follows:

V. "Delinquent" or "delinquent child" means a minor who has committed an offense before reaching the age of [18] **17** years which would be a felony or misdemeanor under the criminal code of this state if committed by an adult.

37 Age Lowered; Definition of "Minority." Amend RSA 621:3, VII to read as follows:

VII. "Minority" means the period of time before the age of [18] **17** years and terminates on the [eighteenth] **seventeenth** birthday.

38 Age Lowered; Effect and Conditions of Release. Amend RSA 621:24 and the introductory paragraph of RSA 621:25 to read as follows:

621:24 Effect of Release. No administrative release or parole of a child shall operate as a discharge of the child from the center. The division shall continue to have control of children on administrative release to parole or parole until they reach the age of [18] **17** years, and the control conferred by the division upon others shall be conferred upon them as agents of the division, except where a child is discharged under RSA 621:19.

621:25 Remands and Changes in Conditions of Release. The board or the director, subject to the approval of the board, may modify or cancel any arrangements or conditions relative to release, other than discharge of a child, or may order a child remanded to the center, until the child reaches the age of [18] **17** years or is discharged under RSA 621:19. Under the direction of the board and subject to rules adopted by the commissioner the division shall:

39 Application of Act. The provisions of this act shall apply to offenses committed on or after the effective date of this act.

40 Transfer of Funds. For the biennium ending June 30, 1997, the division for children, youth, and families shall transfer to the department of corrections an amount equal to the actual costs incurred by the department of corrections for the supervision or incarceration of persons who, but for this act, would have been under the jurisdiction of the division for children, youth, and families. This transfer shall be from funds appropriated to the division for children, youth, and families in PAU 05-01-03-02-07 in the 1996-97 operating budget.

41 Effective Date. This act shall take effect January 1, 1996.

### AMENDED ANALYSIS

The substantive sections of this bill change the age for application of the delinquency provisions from 18 to 17 years of age and generally revise the provisions relating to juvenile delinquency as follows:

I. Redefine "adult," "child," "delinquent," "minor" and "minority."

II. Revise the chapter applicability and purpose provision.

III. Revise jurisdiction over delinquent minors.

IV. Allow police officers and prosecutors to access police records concerning delinquent minors.

V. Allow the court to transfer supervision from the division for children, youth, and families to the department of corrections and transfer the place of detention from the youth development center to an adult correctional facility.

VI. Revise confidentiality provisions regarding the records of minors involved in violent crime.

VII. Expand the offenses for which a person 13 years of age or older may be held accountable.

VIII. Require the division for children, youth, and families to transfer certain funds to the department of corrections for the supervision or incarceration of persons under this act.

This bill is a request of the governor.

The remainder of this bill amends certain RSA provisions making them gender neutral and consistent with other sections amended by the bill in accordance with RSA 17-A:6 relative to gender neutral drafting.

Adopted.

Reps. Hambrick and Gorman spoke against and yielded to questions.

Rep. Lozeau spoke in favor and yielded to questions.

Rep. Russell spoke against.

Reps. Knowles and Donna Sytek spoke in favor.

Rep. Searles requested a roll call; sufficiently seconded. The question being the adoption of the Majority report.

## YEAS 228 - NAYS 131

### YEAS 228

#### BELKNAP

Bartlett, Gordon	Cain, Thomas	Golden, Paul	Holbrook, Robert
Johnson, James	Laflam, Robert	Lawton, David	Lawton, Robert
Smith, Linda	Thomas, John	Turner, Robert	Wendelboe, Francine
Ziegra, Alice			

#### CARROLL

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cooper, Kipp	Dickinson, Howard, Jr.	Lyman, L. Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald		

#### CHESHIRE

Avery, Stephen	Cole, Stacey	Delano, Robert	Feuer, Joseph
Hunt, John	Laurent, John	Manning, Joseph	Metzger, Katherine
Royce, H. Charles	Smith, Edwin	Steere, Myron, III	

#### COOS

Coulombe, Henry	Coulombe, Yvonne	Davis, Perley	Guay, Lawrence
Horton, Lynn	Merrill, Gerald	Pratt, Leighton	

#### GRAFTON

Adams, Carl	Bean, Pamela	Brown, Alson	Chase, Paul, Jr.
Cobbin, Philip	Connolly, Steven	Eaton, Stephanie	Guaraldi, Lawrence
Hill, Richard	LaMott, Paul	MacNeil, Allen	Mirski, Paul
Phinney, William	Scanlan, David	Teschner, Douglass	Trelfa, Richard
Tucker, John	Williams, William, Jr.		

#### HILLSBOROUGH

Aksten, Cheryl	Alukonis, David	Amidon, Eleanor	Andrews, Frederick
Belvin, William	Boutin, David	Bridgewater, Charles	Brundige, Robert
Burke, M. Virginia	Calawa, Leon, Jr.	Cepaitis, Elizabeth	Chabot, Robert
Champagne, Norma	Clegg, Robert, Jr.	Daniels, Gary	Desmarais, Vivian
Desrosiers, William	Dodge, Emma	Dokmo, Cynthia	Durham, Susan
Emerton, Lawrence, Sr.	Feng, David	Ferguson, Charles	Fields, Dennis
Francoeur, Gary	Gagnon, Eugene	Gibson, John	Gotham, Rita
Goulet, Maurice	Hansen, Herbert	Hart, Nick	Herman, Keith
Holley, Sylvia	Holt, David	Holt, Mark	Jean, Loren
Kelley, Robert	Krochmal, Mark	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Legacy, Earl	Letendre, Evelyn	Lozeau, Donnalee
Luebker, Bernard	MacGillivray, Jeffrey	MacIntyre, Doris	McCarty, Winston
McMahon, Donald	Mercer, Robert	Messier, Irene	Mittelman, David
Morello, Michael	O'Hearn, Jane	Packard, Bonnie	Pappas, Marc
Pepino, Leo	Peters, Stanley	Riley, Frances	Sallada, Roland
Sargent, Maxwell	Searles, Stanley, Sr.	Showerman, Peter	Soucy, Richard
Sullens, Joan	Turgeon, Roland	Wells, Peter, Sr.	Wheeler, Robert
White, Donald	Worthen, Dorothy		

**MERRIMACK**

Adams, Stephen  
Crowell, Peter  
Jacobson, Alf  
Little, Michael  
Nichols, Avis  
Warner, Richard  
Willis, Jack

Barberia, Richard  
Feuerstein, Martin  
Kennedy, Richard  
Lockwood, Robert  
Patenaude, Amy  
Weeks, John, Jr.

Brown, Mary  
Hess, David  
Lamach, Bernard  
MacKay, James  
Pfaff, Terence  
Whalley, Michael

Chandler, Earle  
Holmes, Mary  
Langer, Ray  
Morrill, Olive  
Shaw, Randall  
Whittemore, James

**ROCKINGHAM**

Aranda, M. Kathryn  
Camm, Kevin  
Cote, Patricia  
Dube, LeRoy  
Flanders, David  
Goddard, Warren  
Johnson, Robert  
Kobel, Rudolph  
Lovejoy, Marian  
McCarthy, John, Jr.  
Noyes, Richard  
Ross, James  
Senter, Marilyn  
Sytek, Donna  
Weyler, Kenneth

Arndt, Janet  
Case, Margaret  
Dodge, Robert  
Dunham, Vivian  
Flanders, John, Sr.  
Hawkins, Robert  
Katsakiores, George  
Kruse, Fred  
Lupien, James  
McKinney, Betsy  
Pratt, Katharin  
Rubin, George  
Simmons, John Anthony  
Sytek, John  
Yennaco, Carol

Attar, Kevin  
Christie, Andrew, Jr.  
Dolan, Richard  
Felch, Charles, Sr.  
Gargiulo, Louis  
Henderson, Warren  
Kelley, Jane  
Langley, Jane  
Magoon, Harold  
Moore, Benjamin  
Putnam, Ed, II  
Sabella, Norma  
Smith, Arthur  
Weare, Everett

Beaulieu, Jon  
Conroy, Janet  
Dowling, Patricia  
Fesh, Robert  
Gleason, John  
Hurst, Sharleene  
Klemm, Arthur, Jr.  
Lee, Rebecca  
Malcolm, Ken  
Morris, Debbie  
Raynowska, Bernard  
Scanlon, Edward  
Stone, Joseph  
Welch, David

**STRAFFORD**

Douglass, Clyde  
Musler, George  
Tessimond, Shane

Hanlon, Mark  
Spear, Barbara  
Torr, Ann

Knowles, William  
Steadman, Frederick  
Torr, Franklin

McKinley, Robert  
Sullivan, Henry

**SULLIVAN**

Adler, Rudolf  
Scott, Robert

Behrens, Thomas

Lindblade, Eric

Schotanus, Merle

**NAYS 131****BELKNAP**

Boriso, Thomas

Hurt, George

Rice, Thomas, Jr.

Rosen, Ralph

**CARROLL**

Howard, Godfrey

Kenney, Joseph

**CHESHIRE**

Burnham, Daniel  
Lynch, Margaret  
Richardson, Barbara

Champagne, Richard  
McGuirk, Paul  
Russell, Ronald

Doucette, Richard  
McNamara, Wanda  
Wollner, Robert

Kingsbury, H. Thayer  
Pratt, Irene

**COOS**

Bradley, Paula  
St. Hilaire, Paul

Hawkinson, Marie

Mayhew, Josephine

Mears, Edgar

**GRAFTON**

Below, Clifton  
Ham, Bonnie

Copenhaver, Marion  
Lovett, Sidney

Crory, Elizabeth  
Nordgren, Sharon

Guest, Robert

**HILLSBOROUGH**

Ahern, Richard  
Barry, Janet

Allen, W. Gordon  
Bergeron, Normand

Asselin, Robert  
Buckley, Raymond

Baroody, Benjamin  
Clemons, Jane

Cote, David  
 Foster, Linda  
 Hunter, Bruce  
 Kane, Laura  
 Marcinkowski, Michael  
 Melcher, Harold  
 Reidy, Frank  
 Toomey, Kathryn

Drabinowicz, A. Theresa  
 Haettenschwiller, Alphonse  
 Hussey, Mary  
 Kirby, Thomas  
 Martin, Mary  
 Milligan, Robert  
 Soucy, Donna  
 Wheeler, Craig

Dwyer, Paul, Sr.  
 Hall, Betty  
 Jean, Claudette  
 Laughlin, J. Francis  
 McCarthy, William  
 O'Rourke, Joanne  
 Taylor, Paul  
 White, John

Fenton, James  
 Hallyburton, Margaret  
 Johnson, Lionel  
 Lefebvre, Roland  
 McRae, Karen  
 Perkins, Paul  
 Thulander, O. Alan  
 Wright, George

### MERRIMACK

Chandler, Charles  
 Dunn, Miriam  
 Owen, Derek  
 Wallner, Mary Jane

Coughlin, Anne  
 Fraser, Marilyn  
 Pitman, Mary Ellen  
 Yeaton, Charles

Daneault, Gabriel  
 Moore, Carol  
 Rogers, Katherine

DeStefano, Stephen  
 Newland, Matthew  
 Trombly, Rick

### ROCKINGHAM

Abbott, Dennis  
 Clark, Vivian  
 Gorman, Donald  
 Pantelakos, Laura  
 Vaughn, Charles

Belanger, Ronald  
 Coes, Betsy  
 Kane, Cecelia  
 Splaine, James

Bishop, Franklin  
 Crossman, Harold, Jr.  
 McGovern, Cynthia  
 Stritch, C. Donald

Clark, Martha  
 Flanagan, Natalie  
 Nowe, Ronald  
 Syracuse, Anthony

### STRAFFORD

Berube, Roger  
 Chagnon, Ronald  
 Hambrick, Patricia  
 Loder, Suzanne  
 Merritt, Deborah  
 Vincent, Francis  
 Williams, Howard

Brown, George  
 DeChane, Marlene  
 Hemon, Roland  
 Lundborn, Raymond  
 Pelletier, Arthur  
 Wall, Janet

Brown, Julie  
 Dunlap, Patricia  
 Hilliard, Dana  
 McCann, William, Jr.  
 Reynolds, Charles  
 Wasson, Richard

Callaghan, Frank  
 Grassie, Anne  
 Keans, Sandra  
 Merrill, Amanda  
 Snyder, Clair  
 Wheeler, Katherine

### SULLIVAN

Allison, David  
 Stettenheim, Sandy

Cloutier, John  
 Whipple, Allen

Krueger, Richard

Palmer, Lorraine

and the report was adopted.  
 Referred to Finance.

**HB 472-FN**, requiring the division of public health services to establish a needle exchange pilot program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles W. Ferguson for Finance: This bill requires the director of the division of public health services to establish a two-year needle exchange pilot program, only in communities which allow a program to be implemented, and requires a report on or before March 1, 1996. Vote 12-10.

### Amendment (1847L)

Amend paragraph II of section 2 of the bill by replacing it with the following:

II. The local governing body shall have the option to determine if the pilot program will be implemented in the community.

Amend the bill by replacing section 4 with the following:

4 Report. The director of the division of public health services shall make an interim report on or before March 1, 1996, and a final report on or before the termination date of this act to the speaker of the house, the senate president, the speaker of the house, the senate clerk, the house clerk, the governor, and the state library on the activities, findings, and recommendations relative to the pilot program.

### AMENDED ANALYSIS

This bill requires the director of the division of public health services to establish, with the assistance of an advisory committee, a 2-year needle exchange pilot program to reduce the spread of AIDS in New Hampshire. The pilot program is to be implemented in up to 3 communities in

New Hampshire. The communities have the option of deciding whether the pilot program should be implemented in their communities. The director is granted rulemaking authority to implement the provisions of the bill.

Adopted.

Rep. Ferguson yielded to questions.

On a division vote, 210 members having voted in the affirmative and 127 in the negative, the report was adopted.

Ordered to third reading.

**HB 494-FN**, relative to the fee for analyses required by the federal Safe Drinking Water Act. **OUGHT TO PASS**

Rep. Paul I. LaMott for Finance: This bill allows the Department of Environmental Services to recover the cost of equipment replacement as well as conform to federal regulations. Vote 13-7.

Adopted and ordered to third reading.

**HB 506-FN-A-L**, relative to the New Hampshire school food service program and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Frances L. Riley for Finance: This legislation was designed to add \$.02 per child to the school breakfast program and increase state expenditures annually by \$78,000. Testimony indicated that the present program satisfies the current nutritional standards. The committee determined that the expenditure was not justified, particularly at this time. Vote 16-6.

Adopted.

**HB 551-FN-L**, relative to the denial or revocation of drivers', occupational, and sporting licenses for nonpayment of child support. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary Jane Wallner for Finance: This bill authorizes the division of human services to certify that a noncustodial parent is in noncompliance of child support. The noncompliance may result in the denial or revocation of drivers', occupational, and sporting licenses. This has been done in nineteen other states and has collected considerable amounts of child support. Estimates of income to the state of New Hampshire are \$269,500 in '96 and \$1,239,700 in '97. This bill asks parents to take financial responsibility for their children. Vote 12-10.

#### **Amendment (1849L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to the denial or revocation of drivers', occupational,  
and sporting licenses for nonpayment of child support,  
and making an appropriation therefor.

Amend RSA 161-B:11, VI as inserted by section 4 of the bill by replacing it with the following:

VI. When an obligor, after certification, subsequently complies with the legal order of support, the division shall provide the obligor with a written release indicating that the obligor is in compliance with the legal order of support. Upon the obligor providing the appropriate board with a copy of the release, the board shall grant, reissue, or renew the license or licenses of the obligor in accordance with the issuing authority of the licensing board and subject to administrative costs and fees of the licensing board, if any, unless such license has otherwise been revoked.

Amend the bill by replacing all after section 4 with the following:

#### **5 Appropriation.**

I. The sum of \$96,892 for the fiscal year ending June 30, 1996, is hereby appropriated to the division of human services, department of health and human services for the purposes of this act. Of such appropriation, \$63,949 shall be from federal funds and \$32,943 shall be from state funds.

II. The sum of \$8,552 for the fiscal year ending June 30, 1997, is hereby appropriated to the division of human services, department of health and human services for the purposes of this act. Of such appropriation, \$5,644 shall be from federal funds and \$2,908 shall be from state funds.

III. The governor is authorized to draw a warrant for the sums in paragraphs I and II out of any money in the treasury not otherwise appropriated.

6 Effective Date. This act shall take effect March 1, 1996.

## AMENDED ANALYSIS

Sections 1 and 4 of this bill authorize the division of human services to certify that an obligor is in noncompliance with a child support order after providing notice to such obligor. Upon such certification and notification to the relevant licensing board, the appropriate board shall notify the obligor that the obligor's license or licenses have been denied or revoked due to the certification.

Section 5 of this bill makes an appropriation for fiscal years ending June 30, 1996, and June 30, 1997.

The remainder of this bill amends certain RSA provisions making them gender neutral and consistent with other sections amended by the bill in accordance with RSA 17-A:6 relative to gender neutral drafting.

This bill is a request of child support enforcement services, division of human services, department of health and human services.

On a division vote, 288 having voted in the affirmative and 39 in the negative, the amendment was adopted.

Rep. Leubkert spoke against and yielded to questions.

Reps. Kurk and Buckley spoke in favor and yielded to questions.

Rep. Cobbin spoke against.

Report adopted and ordered to third reading.

**HB 594-FN-L**, requiring employers to report to the department of employment security the names of individuals hired or rehired, which information is used by the division of human services in child support enforcement. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles W. Ferguson for Finance: This requires employers to report to the department of employment security the names of individuals who are hired, rehired or provide contracted services exceeding \$2,500 which are used by the division of human services for purposes of child support enforcement. The bill appropriates \$24,230 in FY '96 and \$32,820 in FY '97 to bring in \$1.2 million. Vote 18-4.

**Amendment (1834L)**

Amend the title of the bill by replacing it with the following:

**AN ACT**

requiring employers to report to the department of employment security the names of individuals hired or rehired, which information is used by the division of human services in child support enforcement and making an appropriation therefor.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

**4 Appropriation.**

I. The sum of \$71,265 for the fiscal year ending June 30, 1996, is hereby appropriated to the division of human services, department of health and human services for the purposes of this act. Of such appropriation \$47,035 shall be from federal funds and \$24,230 shall be from state funds.

II. The sum of \$96,529 for the fiscal year ending June 30, 1997, is hereby appropriated to the division of human services, department of health and human services for the purposes of this act. Of such appropriation \$63,709 shall be from federal funds and \$32,820 shall be from state funds.

III. The governor is authorized to draw a warrant for the sums in paragraphs I and II out of any money in the treasury not otherwise appropriated.

Adopted.

Report adopted and ordered to third reading.

**HB 624-FN-A-L**, establishing a 2-year pilot program for local land use board training and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merle W. Schotanus for Finance: This bill, as amended, establishes a two-year, pilot training program for new members of local land use planning boards. The program includes training through use of a video library administered by the office of state planning. The amendment removes a \$10,000 appropriation, which will be included in the biennial budget. Vote 18-4.

**Amendment (1838L)**

Amend the title of the bill by replacing it with the following:

**AN ACT**

establishing a 2-year pilot program for local land use board training.

Amend the bill by deleting section 2 and renumbering section 3 to read as section 2.

**AMENDED ANALYSIS**

This bill authorizes the office of state planning to design a 2-year pilot program which shall provide education and training for the members of local land use boards. The training is furnished by the office of state planning through the use of a video library. The training is designed to make board members knowledgeable in the basics of land use planning in New Hampshire.

Adopted.

Report adopted and ordered to third reading.

**HB 25-A**, making appropriations for capital improvements and establishing a committee to oversee and set priorities for certain appropriations. **UGHT TO PASS WITH AMENDMENT**

Rep. Gene G. Chandler for Public Works and Highways: House Bill 25-A is the Capital Budget which deals with all capital requests for the next biennium. Included in the Public Works and Highways Committee version of HB 25-A are such items as: Laboratory renovation and air quality measures in the Health & Human Services Building to the tune of \$6.5 million which will hopefully be the end of this problem. A \$4 million appropriation to construct the Coos County Superior Court Facility in Lancaster, and \$245,000 to do a much needed upgrade of the New Hampshire Building at the Eastern States Expo. The Department of Corrections has been approved for a number of Safety and Security measures, plus \$500,000 for study and preliminary design of expanded facilities. Two additions to the original version of HB 25-A include lifting of the cap at the Laconia facility to take immediate advantage of 96 available beds, and allow for the very economical use of inmate labor to provide for additional much needed beds at this facility. The present facility at Concord's North State Street is already at 400 inmates over capacity, and the use of the Laconia facility plus other measures recommended in the Corrigan Report will help to provide space to meet NH's current needs. The second addition in Corrections is a measure to limit the site of the next expansion in Concord to North State Street. The Department of Environmental Services received their full requests for all of its revolving funds, namely wastewater drinking water, landfill grants, etc. The state appropriations result in some \$94 million in federal funds for these programs. If HB 25-A becomes law, Health and Human Services will construct a 400 car parking garage on the NH Hospital Grounds and renovate the APS Building B wing. The Department of Safety has had their request for a ladder training tower and commercial training building at the Fire Academy approved by the Committee. The construction of a new facility at the Supreme Court has been removed by the Committee due to commitments to other higher priority measures for this biennium. The University System saw an increase of \$1 million over the Governor's original request, with the total divvied up as follows: \$3.1 million repairs and renovations for Pettee Hall, \$600,000 to finish design and engineering for the Lamson Library project, and \$2.8 million to be spent for repairs and renovations projects to be determined by the University System. The vast majority of the amendments, changes, etc., to the original version of HB 25-A were agreed to unanimously by the Committee. It is never possible to meet all the needs of or make every state agency happy, but this amended version of HB 25-A is the Public Works and Highways Committee's view on what is best for the state of NH and affordable by the state of NH, and will in no way have a negative impact on our bonding rating. Caution should be advised in any attempt to increase the bottom line. Vote 16-0.

**Amendment (1884L)**

Amend the bill by replacing all after the enacting clause with the following:

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

**I. Adjutant General.**

- A. Replacement of 3 roofs (Concord and Littleton armories, and the Center Haverhill motor vehicle storage building)

\$ 240,000



B. Replacement of drill hall roof - Manchester state armory	\$ 170,500
C. Repair/replace paving - Concord	400,000
Less federal	<u>-197,250</u>
Net state appropriation subparagraph C	\$ <u>202,750</u>
Total state appropriation paragraph I	\$ 613,250
II. Department of Administrative Services.	
A. Bureau of General Services.	
1. Health and human services building and laboratory HVAC renovation	\$ 6,500,000
2. Replace variable speed drives in laboratory	85,000
3. State house annex - roof repairs	<u>\$ 99,000</u>
Total subparagraph A	\$ 6,684,000
B. Bureau of Court Facilities.	
1. New court facility - Lancaster	\$ 4,000,000
2. Study and design court facility - Dover/Durham district court	150,000
3. Study and design court facility on county donated land-Carroll County superior court	<u>150,000</u>
Total state appropriation subparagraph B	\$ <u>4,300,000</u>
C. Data Center.	
1. CPU upgrade *	\$ 300,000
2. PC upgrade/LAN *	<u>350,000</u>
Total state appropriation subparagraph C	\$ 650,000
Total state appropriation paragraph II	<u>\$ 11,634,000</u>
III. Department of Agriculture.	
A. Repairs to the New Hampshire building at eastern states exposition, Springfield, MA	<u>\$ 245,000</u>
Total state appropriation paragraph III	\$ 245,000
IV. Department of Corrections.	
A. Upgrade electronic perimeter fence security system, NH state prison - Concord	\$ 250,000
B. Replacement of the roof systems, Calumet house - Manchester	24,500
C. Replacement of the main roof system and installation of a new sprinkler system, Shea farm - Concord	61,000
D. Replacement of the roof system, Toll building, lakes region facility	237,000
E. Central warehouse sprinkler system, lakes region facility	59,000
F. Renovate basement of administration building, NH state prison - Concord	36,500
G. Resurface Keyes building roof - lakes region facility	30,000
H. Auto shop re-roof and sprinkler system NH state prison - Concord	77,000
I. Resurface laundry building roof - lakes region facility	60,000
J. Upgrade automated system *	240,000
K. Preliminary design of expanded correctional facilities in accordance with federal crime bill grants	<u>500,000</u>
Total state appropriation paragraph IV	\$ 1,575,000

For the purposes of subparagraph IV, K, the chosen site shall not be located on Clinton Street or Iron Works Road in the city of Concord. If the chosen site is North State Street in Concord, preliminary design shall include corridor improvements on North State Street between Brook Street and Dolan Street including, but not limited to, widening of North State Street, creating center turn lanes, traffic signals at McGuire Street, and additional parking for the new prison facility.

V. Department of Cultural Affairs.

A. Replacement/upgrade of production equipment, Christa McAuliffe Planetarium - Concord	\$ 75,000
B. Addition to Christa McAuliffe Planetarium - Concord	<u>500,000</u>
Total state appropriation paragraph V	\$ 575,000

VI. Department of Education.

A. Computerization implementation plan *	<u>\$ 325,000</u>
Total state appropriation paragraph VI	\$ 325,000

VII. Department of Environmental Services - Division of Water Supply and Pollution Control.

A. State revolving fund program - wastewater	\$ 51,193,008
Less federal	<u>-42,660,840</u>
Net state appropriation subparagraph A	\$ 8,532,168
B. State revolving fund program - drinking water	\$ 12,552,000
Less federal	<u>-10,460,000</u>
Net state appropriation subparagraph B	\$ 2,092,000
C. Superfund program	\$ 49,400,000
Less federal	<u>-41,835,000</u>
Net state appropriation subparagraph C	\$ 7,565,000
D. Migration off Wang system *	\$ 195,500
E. Payment of drinking water and landfill grants for prior years	\$ 7,300,000
F. Bedrock aquifer mapping (groundwater mapping program)	<u>\$ 264,295</u>
Total state appropriation paragraph VII	\$ 25,948,963

The appropriation in subparagraph VII, D, may be used to fund conversion of existing application from a Wang platform to a PC LAN platform.

VIII. Department of Health and Human Services.

A. Commissioner's Office.

1. Brown building site work - 400 car parking garage	\$ 4,500,000
2. Redevelop eligibility management system *	4,000,000
Less federal	<u>-2,000,000</u>
Net state appropriation subparagraph A, 2	\$ 2,000,000
3. Brown building furnishings	\$ 1,200,000
Less federal	<u>-600,000</u>
Net state appropriation subparagraph A, 3	\$ 600,000
Total state appropriation subparagraph A	\$ 7,100,000

B. New Hampshire Hospital

1. Renovate acute psychiatric service building - B Wing	\$ 2,425,000
C. Division of Mental Health and Developmental Services	
1. RSA 171-B mentally retarded criminal offenders	\$ 435,000
D. Glencliff home for the elderly	
1. Life safety code renovations	<u>\$ 153,000</u>
Total state appropriation paragraph VIII	\$ 10,113,000

## IX. Liquor Commission.

A. Parking lot repairs	\$ 179,000
B. Upgrade store #69 dock area - Nashua	\$ 46,500
C. Exterior improvements - 2 Hooksett stores	\$ 64,000
D. Replacement of the office roof and half of the warehouse roof at the liquor commission building - Concord	<u>\$ 215,000</u>
Total state appropriation paragraph IX	\$ 504,500

## X. Department of Justice.

A. Office hardware/software modernization *	<u>\$ 375,000</u>
Total state appropriation paragraph X	\$ 375,000

## XI. Port Authority.

A. Pier surface repair	\$ 277,000
B. Facility condition survey	<u>96,000</u>
Total state appropriation paragraph XI	\$ 373,000

The facility condition survey identified in subparagraph B must be completed prior to the pier surface repair identified in subparagraph A.

## XII. Postsecondary Technical Education.

A. Network backbone installation - statewide *	\$ 1,394,252
B. Dental assisting clinic refurbishment - NHTI - Concord *	<u>\$ 185,000</u>
Total state appropriation paragraph XII	\$ 1,579,252

## XIII. Department of Resources and Economic Development.

A. Division of Parks and Recreation	
1. ADA compliance projects for parks facilities	\$ 300,000
2. Sunapee/Cannon lift and ski area repairs	\$ 527,000
3. Construct 8 recreational vehicle dumpsites	\$ 170,000
4. Roofing and painting, park facilities - statewide to be paid by the park fund	\$ 140,000
5. Repair Androscoggin bridge abutments	\$ 132,000
6. Repairs to Sherman Adams building - Mt. Washington	<u>\$ 50,000</u>
Total state appropriation paragraph XIII	\$ 1,319,000

## XIV. Department of Safety.

A. Division of Fire Services	
1. Fire Academy - ladder training tower - Concord	\$ 430,000
2. Fire Academy - commercial building - Concord	<u>\$ 375,000</u>
Total state appropriation paragraph XIV	\$ 805,000

## XV. Secretary of State.

A. Construction of an addition to the existing records and archives building - Concord	<u>\$ 375,000</u>
Total state appropriation paragraph XV	\$ 375,000

## XVI. Department of Transportation.

A. Underground tank replacement - statewide	\$ 500,000
B. Renovations to state-owned facilities for ADA compliance - statewide	\$ 1,000,000
C. 5-10 percent Match for FAA projects - statewide	\$ 500,000
D. Division of state police	
1. Automotive and radio communication repairs-Concord	\$ 49,600
2. Paving	<u>\$ 20,000</u>
Total state appropriation subparagraph D	<u>\$ 69,600</u>
Total state appropriation paragraph XVI	\$ 2,069,600

For the purposes of subparagraph XVI, B, an amount not exceeding 9.5 percent of the appropriation may be expended for consultant services and/or temporary trades.

## XVII. Veterans Home.

A. Oil bunker repairs *	\$ 40,000
B. Repair chimney and renovate maintenance building *	\$ 16,500
C. Renovate shower rooms *	\$ 30,000
D. Increase parking lot by 50 feet X 75 feet	\$ 30,000
Total state appropriation paragraph XVII	<u>\$ 116,500</u>
Total state appropriation section 1	\$ 58,546,065

\* The bonds issued for these projects shall be 5-year bonds.

2 Appropriation; University System of New Hampshire. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Design and engineering Lamson library	\$ 600,000
B. Pettee Hall general renovations	\$ 3,100,000
C. Deferred maintenance and code compliance-systemwide	<u>\$ 2,800,000</u>
Total state appropriation section 2	\$ 6,500,000

3 Appropriation; Department of Fish and Game. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Roof repairs, hatcheries	\$ 55,000
B. Concrete repair/replacement - hatcheries	\$ 643,000
C. Fish predator control-covers and fence	<u>\$ 150,000</u>
Total state appropriation section 3	\$ 848,000

4 Appropriation; Department of Transportation and Department of Safety. The sums herein-after detailed are hereby appropriated for the projects specified:

## I. Department of Transportation.

A. Radio system upgrade - statewide	\$ 2,725,000
B. Underground tank replacement - statewide	\$ 200,000
C. Highway garage window replacement - Concord	\$ 158,000
D. Replacement of John O. Morton building's roof system - Concord	\$ 190,000
E. Highway garage sewer upgrade	<u>\$ 75,000</u>
Total state appropriation paragraph I	\$ 3,348,000

## II. Department of Safety.

A. Division of State Police	
1. Automotive and radio communication repairs - Concord	\$ 198,400
2. Paving	<u>\$ 180,000</u>
Total state appropriation paragraph II	<u>\$ 378,400</u>
Total state appropriation section 4	\$ 3,726,400

5 Expenditures; General. The appropriation made for the purposes mentioned in sections 1, 3, and 4 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

## 6 Expenditures; University System of New Hampshire.

I. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All contracts for the construction of all or any part of said buildings or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made in section 2 are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees, in its discretion, may wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees.

III. If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university system has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university system. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

7 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3, and 4 except such land, if any, as may be acquired under the appropriation for the division of water resources, shall be purchased by the commissioner of the department of transportation with the approval of the governor and council.

8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$69,620,465 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

9 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2, with the exception of section 1, subparagraph XIII, A, 4 shall be made when due from the general funds of the state.

II. The payment of principal and interest on bonds and notes issued for the project in section 1, subparagraph XIII, A, 4 shall be made when due from the state park fund.

III. The payment of principal and interest on bonds and notes issued for projects in section 3 shall be made when due from the fish and game fund.

IV. The payment of principal and interest on bonds and notes issued for projects in section 4 shall be made when due from the high-way fund.

10 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187-A:7, or appropriation in lieu thereof, for each fiscal year such sum as may be necessary to meet interest and principal payments in accordance with the terms and conditions of the bonds and notes issued for the purpose of section 2.

11 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes of this act.

II. To accept any federal funds which are, or become available for any project under sections 1, 3, and 4 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 8 shall be reduced by the same amount.

12 Transfers. The individual project appropriations, as provided in sections 1, 3, and 4 shall not be transferred or expended for any other purpose; provided that any anticipated balance remaining in an individual project, which is fully funded by state funds, may be transferred by governor and council to any other individual project or projects, which are also fully funded by state funds, within the same section.

13 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 3, and 4 is determined on the basis of an estimate of

anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such project and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 8 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

14 Committee Established.

I. There is hereby established a committee to oversee, set priorities for and make recommendations for projects and technical assistance concerning the use of the appropriation made in section 1, paragraph XVI, B, of this act for compliance with the Americans with Disabilities Act.

II. The committee shall be composed of the following:

- (a) The commissioner of the department of transportation, or designee.
- (b) The commissioner of administrative services, or designee.
- (c) The attorney general, or designee.
- (d) One member from the governor's commission on disability.

III. The committee shall remain in existence until the appropriation in section 1, paragraph XVI, C, of this act, lapses.

15 Changing Distribution of Funds. Amend 1991, 351:1, V, B, 4 to read as follows:

4. Design and construction documents for a	
75-bed nursing home facility	[ \$ 400,000] \$ 227,461
<i>a. Life and safety renovations</i>	
<i>i. Sinks and closets in resident buildings</i>	35,000
<i>ii. Bathroom renovation in resident buildings</i>	57,539
<i>b. Culverts, under drain catch basins</i>	<u>\$ 80,000</u>
<i>Total state appropriation subparagraph 4</i>	<u>\$ 400,000</u>

16 Increasing the Hanover-Lebanon District Court Capital Appropriation and Bonding Authority. Amend 1992, 289:27 and 289:28 as amended by 1993, 359:17 to read as follows:

289:27 Department of Administrative Services; Hanover-Lebanon District Court Capital Appropriation. The sum of [\$1,250,000] **\$1,400,000** is hereby appropriated to the department of administrative services for the purpose of acquiring, purchasing, entering into a lease purchase agreement, or leasing land or buildings or land and buildings and to construct or renovate, and furnish such buildings as is necessary to establish the Hanover-Lebanon district court. The department of administrative services is authorized to negotiate the acquisition, purchase or lease of such land and buildings within the limits of the appropriated amount. A resulting purchase contract shall receive such review and approval as required by state law. This appropriation is in addition to any other funds appropriated to the department of administrative services.

289:28 Bonds Authorized. To provide funds for the total of the appropriation of state funds made in section 27 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [\$1,250,000] **\$1,400,000** and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The payment of principal and interest on bonds and notes issued for such project shall be made when due from the general funds of the state.

17 Change in Federal Funding. Amend 1993, 359:1, V, C, 5 to read as follows:

5. Case management system	[ \$1,500,000] \$ 6,000,000
<i>Less federal</i>	<u>-4,500,000</u>
<i>Net state appropriation subparagraph 5</i>	<u>\$ 1,500,000</u>

18 Increase Appropriations; Automated Inserting and Mailing System. Amend 1993, 359:1, V, F, 1 to read as follows:

1. Automated inserting and mailing system	[ \$ 261,096] <u>\$ 321,096</u>
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19 Decrease Appropriation; FAMIS System Development. Amend 1993, 359:1, V, F, 3 to read as follows:

3. FAMIS system development	[ \$1,400,000] \$ 1,000,000
Less federal	[ -900,000] <u>-500,000</u>
Net state appropriation subparagraph 3	500,000
Total subparagraph F	[ 901,796] <u>961,796</u>
Total state appropriation paragraph V	[ 11,739,418] <u>\$ 11,799,418</u>

20 Repairs to the Main Building. Amend 1993, 359:1, V as amended by 1994, 248:1 to read as follows:

248:1 Appropriation for [Day Care Center Relocation] *Main Building Repairs*. Amend 1993, 359:1, V by inserting after total state appropriation paragraph V the following:

The commissioner of the department of health and human services may authorize expenditure of up to \$200,000 of the appropriations in this paragraph for capital costs required for [the relocation of the day care center for children of state employees from its present location to another site on the campus of New Hampshire hospital] *repairs to the main building*.

21 Hampton #73 Sewer System. Amend 1993, 359:1, VI, D to read as follows:

D. [Upgrade] Hampton #73 [sewer system with emphasis on providing facilities for the public]	[\$ 375,000]	\$ 825,000
<i>hookup, land purchase and septic system</i>		
Total state appropriation paragraph VI	[\$ 578,000]	\$ 1,028,000

22 Increase in Appropriation to New Hampshire Technical Institute. Amend 1993, 359:3 to read as follows:

359:3 Appropriation; Department of Postsecondary Technical Education. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. New Hampshire Technical Institute-Concord

1. Student activity center	[\$1,080,000]	\$ 1,330,000
less other funds	- 230,000	
Net state appropriation section 3	[\$ 850,000]	\$ 1,100,000

23 1993 Totals Adjusted. Amend 1993, 359:1, total state appropriation as amended by 1993, 360:7; 1994, 204:3; and 1994 382:8 to read as follows:

Total state appropriation section 1	[\$41,204,888]	\$ 41,714,888
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24 1993 Bond Total Adjusted. Amend 1993, 359:9 as amended by 1993, 360:10; 1994, 204:4; and 1994, 382:8 to read as follows:

359:9 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [\$63,816,888] **\$64,576,888** and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

25 Bond Authorization Increase. Amend RSA 482:56 to read as follows:

482:56 Bonds Authorized. To provide working capital for initiation of the fund established in RSA 482:55, the state treasurer is hereby authorized to borrow upon the credit of the state the sum of [\$6,800,000] **\$7,900,000** and for said purpose shall issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A.

26 Lapse Dates Extended to June 30, 1996. The following appropriations are hereby extended to June 30, 1996:

I. The appropriation made to the department of administrative services in 1991, 258:1 as extended by 1993, 359:20, II, for the land acquisition, design, construction, and furnishings of a new superior court in Rockingham county.

II. The appropriation made to the department of safety in 1991, 262:1, as extended by 1993, 359:19, XIV and 1994, 171:2, for the construction of a fire training academy in Concord.

III. The appropriation made to the department of administrative services in 1991, 351:1, II, A, as amended by 1993, 359:22, and 1994, 341:1, as extended by 1993, 359:19, I, and 1994, 171:2, for repair of the State House dome.

IV. The appropriation made to the department of administrative services in 1991, 351:1, II, E, as amended by 1992, 289:55 and 289:56, as extended by 1993, 359:19, II, and 1994, 171:2, for renovations for the Coos county courthouse.

V. The appropriation made to the liquor commission in 1991, 351:1, VI, B, as extended by 1993, 359:19, V, and 1994, 171:2, for a liquor store on I-95.

VI. The appropriation made to the department of transportation in 1992, 289:21, as extended by 1993, 359:20, III, for the purpose of general aviation apron expansion and construction of a taxiway to runway 36 at the Lebanon airport.

VII. The appropriation made to the department of transportation in 1989, 367:1, XII, A, 1, as amended by 1991, 351:27, II(I) and 1992, 289:60, as extended by 1993, 359:20, V, for improvements at the Keene Dillant-Hopkins airport.

VIII. The appropriation made to the department of transportation in 1989, 367:1, XII, A, 2, as extended by 1991, 307:2 and 1993, 359, 20, VIII, for the Mount Washington Regional Airport and the Berlin Municipal Airport.

IX. The appropriation made to the department of transportation in 1989, 367:1, XII, A, 2, (a) as amended by 1991, 307:1 and 1993, 359:23 for reconstruction of the Berlin Municipal Airport.

X. The appropriation made to the department of transportation in 1989, 367:1, XII, A, 4, as extended by 1991, 351:27, II(1); 1992, 289:60, VII; 1993, 359:19, VIII; and 1994, 171:2, for aeronautics projects at Skyhaven airport.

27 Lapse Dates Extended to June 30, 1997. The following appropriations are hereby extended to June 30, 1997:

I. The appropriation made to the department of environmental services, water resources division in 1989, 367:1, IV, A, 1, as extended by 1991, 351:27, II(g), 1992, 149:2, I and 1993 359:20, I, for upgrading state-owned flood retardation structures at small watershed program sites.

II. The appropriation made to the department of health and human services in 1993, 359:1, V, as extended by 1994, 248:1, for repairs to the main building.

III. The appropriation made to the department of health and human services in 1993, 359:1, V, F, 3, as extended by 1994, 171:1, for the development of a family assistance management information system.

IV. The appropriation made to the department of health and human services in 1993, 359:1, V, C, 5, as extended by 1994, 171:1, for the development and implementation of an automated case management information system.

V. The appropriation made to the department of health and human services in 1993, 359:1, V, B, 4, for life and safety renovation and new culverts for Glencliff Home for the elderly.

VI. The appropriation made to the department of health and human services in 1993, 359:1, V, D, 1, as extended by 1994, 171:1, for optical disk records storage.

28 Lapse Date Repealed. 1991, 351:27, I relative to the department of correction's authority to renovate the Laconia developmental services building, is repealed.

29 Lakes Region Facility. The lakes region facility shall be used only for minimum and medium security prison inmates.

30 Effective Date.

I. Sections 26 and 27 of this act shall take effect June 30, 1995.

II. The remainder of this act shall take effect July 1, 1995.

Rep. Holbrook requested that the question be divided. The Speaker ruled that the question was divisible.

The question now being the adoption of Section 28, Lapse Date Repealed.

Reps. Holbrook and Hawkins spoke against.

Reps. Gene Chandler, Rogers and Donna Sytek spoke in favor and yielded to questions.

Rep. Linda Smith spoke against and yielded to questions.

Rep. Pfaff requested a roll call; sufficiently seconded.

## YEAS 201 - NAYS 142

### YEAS 201

### BELKNAP

Johnson, James

### CARROLL

Beach, Mildred  
Lyman, L. Randy

Bradley, Jeb  
Mock, Henry

Chandler, Gene  
Philbrick, Donald

Kenney, Joseph

### CHESHIRE

Avery, Stephen  
Feuer, Joseph  
McNamara, Wanda  
Smith, Edwin

Cole, Stacey  
Hunt, John  
Metzger, Katherine

Delano, Robert  
Kingsbury, H. Thayer  
Richardson, Barbara

Doucette, Richard  
Lynch, Margaret  
Royce, H. Charles



**COOS**

Coulombe, Henry  
Hawkinson, Marie  
Merrill, Gerald

Coulombe, Yvonne  
Horton, Lynn  
Pratt, Leighton

Davis, Perley  
Mayhew, Josephine

Guay, Lawrence  
Mears, Edgar

**GRAFTON**

Adams, Carl  
Connolly, Steven  
Hill, Richard  
Trelfa, Richard

Bean, Pamela  
Crony, Elizabeth  
LaMott, Paul  
Tucker, John

Brown, Alson  
Eaton, Stephanie  
Scanlan, David

Cobbin, Philip  
Guaraldi, Lawrence  
Teschner, Douglass

**HILLSBOROUGH**

Ahern, Richard  
Andrews, Frederick  
Boutin, David  
Cepaitis, Elizabeth  
Desmarais, Vivian  
Dwyer, Paul, Sr.  
Francoeur, Gary  
Hall, Betty  
Hunter, Bruce  
Kurk, Neal  
Letendre, Evelyn  
Martin, Mary  
Mercer, Robert  
O'Rourke, Joanne  
Philbrook, Paula  
Showerman, Peter  
Thulander, O. Alan  
Wheeler, Robert

Aksten, Cheryl  
Barry, Janet  
Bridgewater, Charles  
Champagne, Norma  
Desrosiers, William  
Emerton, Lawrence, Sr.  
Gagnon, Eugene  
Hansen, Herbert  
Jean, Loren  
LaRose, Richard  
Lozeau, Donnalee  
McCarthy, William  
Milligan, Robert  
Packard, Bonnie  
Sallada, Roland  
Soucy, Donna  
Toomey, Kathryn  
White, John

Alukonis, David  
Belvin, William  
Buckley, Raymond  
Clegg, Robert, Jr.  
Dokmo, Cynthia  
Fields, Dennis  
Gibson, John  
Hart, Nick  
Johnson, Lionel  
Lefebvre, Roland  
MacGillivray, Jeffrey  
McCarty, Winston  
Morello, Michael  
Pepino, Leo  
Sargent, Maxwell  
Sullens, Joan  
Turgeon, Roland

Amidon, Eleanor  
Bergeron, Normand  
Calawa, Leon, Jr.  
Daniels, Gary  
Durham, Susan  
Foster, Linda  
Gotham, Rita  
Herman, Keith  
Krochmal, Mark  
Legacy, Earl  
Marcinkowski, Michael  
McMahon, Donald  
O'Hearn, Jane  
Peters, Stanley  
Searles, Stanley, Sr.  
Taylor, Paul  
Wells, Peter, Sr.

**MERRIMACK**

Adams, Stephen  
DeStefano, Stephen  
Holmes, Mary  
Morrill, Olive  
Pitman, Mary Ellen  
Weeks, John, Jr.

Chandler, Charles  
Feuerstein, Martin  
Langer, Ray  
Newland, Matthew  
Rogers, Katherine  
Whalley, Michael

Chandler, Earle  
Fraser, Marilyn  
Lockwood, Robert  
Nichols, Avis  
Shaw, Randall  
Whittemore, James

Daneault, Gabriel  
Hess, David  
MacKay, James  
Pfaff, Terence  
Trombly, Rick  
Willis, Jack

**ROCKINGHAM**

Aranda, M. Kathryn  
Case, Margaret  
Dodge, Robert  
Felch, Charles, Sr.  
Gargiulo, Louis  
Johnson, Robert  
Kruse, Fred  
McCarthy, John, Jr.  
Putnam, Ed, II  
Syracusa, Anthony  
Welch, David

Attar, Kevin  
Clark, Vivian  
Dolan, Richard  
Fesh, Robert  
Gleason, John  
Katsakiores, George  
Lovejoy, Marian  
McKinney, Betsy  
Raynowska, Bernard  
Sytek, Donna  
Yennaco, Carol

Beaulieu, Jon  
Cote, Patricia  
Dowling, Patricia  
Flanagan, Natalie  
Henderson, Warren  
Klemm, Arthur, Jr.  
Magoon, Harold  
Morris, Debbie  
Ross, James  
Sytek, John

Camm, Kevin  
Crossman, Harold, Jr.  
Dunham, Vivian  
Flanders, John, Sr.  
Hurst, Sharleene  
Kobel, Rudolph  
Malcolm, Ken  
Noyes, Richard  
Simmons, John Anthony  
Weare, Everett

**STRAFFORD**

Berube, Roger  
Knowles, William  
Spear, Barbara  
Torr, Franklin

Callaghan, Frank  
McKinley, Robert  
Sullivan, Henry  
Vincent, Francis

DeChane, Marlene  
Musler, George  
Tessimond, Shane

Douglass, Clyde  
Snyder, Clair  
Torr, Ann

**SULLIVAN**

Behrens, Thomas  
Schotanus, Merle

Cloutier, John  
Whipple, Allen

Krueger, Richard

Lindblade, Eric

**NAYS 142****BELKNAP**

Bartlett, Gordon  
Golden, Paul  
Lawton, David  
Smith, Linda  
Ziegra, Alice

Boriso, Thomas  
Holbrook, Robert  
Lawton, Robert  
Thomas, John

Cain, Thomas  
Hurt, George  
Rice, Thomas, Jr.  
Turner, Robert

Dewhirst, Glenn  
Laffam, Robert  
Rosen, Ralph  
Wendelboe, Francine

**CARROLL**

Babson, David, Jr.  
Patten, Betsey

Cooper, Kipp

Dickinson, Howard, Jr.

Howard, Godfrey

**CHESHIRE**

Burnham, Daniel  
Russell, Ronald

Laurent, John  
Steere, Myron, III

McGuirk, Paul  
Wollner, Robert

Pratt, Irene

**COOS**

Bradley, Paula

St. Hilaire, Paul

**GRAFTON**

Below, Clifton  
Ham, Bonnie  
Nordgren, Sharon

Chase, Paul, Jr.  
Lovett, Sidney  
Phinney, William

Copenhaver, Marion  
MacNeil, Allen  
Williams, William, Jr.

Guest, Robert  
Mirski, Paul

**HILLSBOROUGH**

Asselin, Robert  
Chabot, Robert  
Feng, David  
Haettenschwiller, Alphonse  
Holt, Mark  
Kelley, Robert  
MacIntyre, Doris  
Mittelman, David  
Soucy, Richard

Baroody, Benjamin  
Cote, David  
Fenton, James  
Hallyburton, Margaret  
Hussey, Mary  
Kirby, Thomas  
McRae, Karen  
Perkins, Paul  
Wheeler, Craig

Brundige, Robert  
Dodge, Emma  
Ferguson, Charles  
Holley, Sylvia  
Jean, Claudette  
L'Heureux, Robert  
Melcher, Harold  
Reidy, Frank  
White, Donald

Burke, M. Virginia  
Drabinowicz, A. Theresa  
Goulet, Maurice  
Holt, David  
Kane, Laura  
Laughlin, J. Francis  
Messier, Irene  
Riley, Frances  
Wright, George

**MERRIMACK**

Barberia, Richard  
Jacobson, Alf  
Moore, Carol  
Warner, Richard

Brown, Mary  
Kennedy, Richard  
Owen, Derek  
Yeaton, Charles

Crowell, Peter  
Lamach, Bernard  
Patenaude, Amy

Dunn, Miriam  
Little, Michael  
Wallner, Mary Jane

**ROCKINGHAM**

Abbott, Dennis  
Christie, Andrew, Jr.  
Flanders, David  
Kane, Cecelia  
Nowe, Ronald  
Sabella, Norma  
Stritch, C. Donald

Arndt, Janet  
Clark, Martha  
Goddard, Warren  
Kelley, Jane  
Pantelakos, Laura  
Senter, Merilyn  
Vaughn, Charles

Belanger, Ronald  
Coes, Betsy  
Gorman, Donald  
Langley, Jane  
Pratt, Katharin  
Smith, Arthur  
Weyler, Kenneth

Bishop, Franklin  
Conroy, Janet  
Hawkins, Robert  
McGovern, Cynthia  
Rubin, George  
Splaine, James

**STRAFFORD**

Brown, George  
Hambrick, Patricia  
Keans, Sandra  
Merrill, Amanda  
Steadman, Frederick

Chagnon, Ronald  
Hanlon, Mark  
Loder, Suzanne  
Merritt, Deborah  
Wall, Janet

Dunlap, Patricia  
Hemon, Roland  
Lundborn, Raymond  
Pelletier, Arthur  
Wheeler, Katherine

Grassie, Anne  
Hilliard, Dana  
McCann, William, Jr.  
Reynolds, Charles

**SULLIVAN**

Adler, Rudolf

Allison, David

Palmer, Lorraine

Stettenheim, Sandy

and section 28 was adopted.

The remainder of the amendment was adopted.

Report adopted and referred to Finance.

### REMARKS

Rep. Trombly addressed the House.

Rep. Buckley moved that the inquiry by Rep. Trombly, regarding Section 28, and the Speaker's response be printed in the journal.

On a division vote, 178 members having voted in the affirmative and 156 in the negative, the motion was adopted.

Rep. Trombly: Thank you Mr. Speaker. Mr. Speaker, where some people have raised concerns about the procedure and the status of the amendment and the way it was attached to the bill, my parliamentary question to the chair is this: In the second-year session if we kill a bill, it can't come back in as an amendment or a resolution. Is that not true, Mr. Speaker?

Speaker Burns: That is correct.

Rep. Trombly: As to the procedure for this bill, if we kill this motion to include this amendment or, if we don't include this now, is the Finance Committee precluded from taking a further look at this and perhaps including it in House Bill 2 as suggested by Rep. Donna Sytek?

Speaker Burns: It is the Chair's opinion that many times, unless a bill or amendment is indefinitely postponed, it comes back in another bill and is addressed that same session. You are correct. If we kill it, we can't bring it back in the Second Session. It is the Chair's understanding it could come back in this Session.

Rep. Trombly: So perhaps those that are concerned with the constitutionality of the amendment being attached to this bill, the clearest thing to do is to pass this amendment on today, as it is, and Finance to take a look at how they are going to deal with that section in other legislation. Is that correct Mr. Speaker?

Speaker Burns: That is certainly true. The Finance committee would have that prerogative and could make that decision.

### SUSPENSION OF RULES

Rep. Frank Torr moved that the Rules be so far suspended so as to permit hearings without the proper notice on bills referred to the Committee on Finance.

Adopted by the necessary two-thirds.

### RESOLUTION

Reps. Hambrick and Pepino offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Resolution numbered 19, shall be by this resolution read a first and second time by the therein listed title.

Adopted.

### INTRODUCTION OF HR

#### First and second reading

**HR 19**, encouraging gun safety education programs for children. (Hambrick, Straf 7; Pepino, Hills 40)

### HOUSE RESOLUTION NO. 19

encouraging gun safety education programs for children.

Whereas, there are firearms present in nearly half of all American households; and

Whereas, according to the National Safety Council, 230 children under the age of 15 were killed in firearm-related accidents or unintentional shootings in 1991 (the most recent statistic available); and

Whereas, since the 1940's the number of unintentional shooting fatalities has declined more than 50 percent and this decrease has been attributed to gun safety education programs; and

Whereas, programs such as the Eddie Eagle Gun Safety Program and Straight Talk About Risks (STAR) exist to teach children gun safety at all grade levels in classrooms, youth programs, civic organizations, summer camps and day care centers; now, therefore, be it

Resolved by the House of Representatives:

That public and private schools, state, local and county law enforcement agencies, civic organizations, summer camps and day care centers are encouraged by the New Hampshire house of representatives to sponsor gun safety education programs for children; and

That the clerk of the house of representatives transmit copies of this resolution to the governor, the department of education, the division of state police, and all school administrative units within the state.

Reps. Hambrick and Pepino spoke in favor.

Adopted and ordered to third reading.

### RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, April 4, 1995 at 1:00 p.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HR 20**, amending joint rules.

**HR 21**, amending house rules.

**HB 426**, allowing an extended term of imprisonment for offenses committed with a firearm.

**HB 50-FN**, relative to health insurance coverage for retirement system member spouses and dependents.

**HB 119-FN**, extending the animal population control program.

**HB 181**, establishing the motor oil discharge cleanup fund.

**HB 324**, relative to taking or harvesting clams and relative to clam license fees.

**HB 545-FN**, relative to child support collection and related rulemaking authority of the director of human services and making an appropriation therefor.

**HB 560-FN-A**, establishing a residential care pilot program and making an appropriation therefor.

**HB 571-FN**, relative to use of per diem compensation by state boards and commissions and by the counties to pay certain costs for requirements of bailiffs imposed by a county sheriff's department; increasing the pay of parole board members; and requiring a termination provision for advisory committees.

**HB 584-FN-L**, relative to payment in lieu of taxes for the dam owned by the division of water resources in Pittsburg and Clarksville.

**HB 601-FN**, relative to retirement benefits for a former group II member of the New Hampshire retirement system.

**SB 112-L**, relative to the discontinuance of highways.

**HB 472-FN**, requiring the division of public health services to establish a needle exchange pilot program.

**HB 494-FN**, relative to the fee for analyses required by the federal Safe Drinking Water Act.

**HB 551-FN-L**, relative to the denial or revocation of drivers', occupational, and sporting licenses for nonpayment of child support, and making an appropriation therefor.

**HB 594-FN-L**, requiring employers to report to the department of employment security the names of individuals hired or rehired, which information is used by the division of human services in child support enforcement and making an appropriation therefor.

**HB 624-FN-A-L**, establishing a 2-year pilot program for local land use board training.

**HR 19**, encouraging gun safety education programs for children.

### UNANIMOUS CONSENT

Rep. Rosen addressed the House.

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 11.

Rep. Pfaff for the Committee

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 4:45 p.m.

RECESS

Rep. Cole moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 14**

Tuesday, April 4, 1995

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of wisdom, grant us Your insight and from the reservoir of Your compassion grant us Your understanding. In our varied tasks and deliberations help us to be thoughtful and patient. And in this season when growing things proclaim Your vitality and creativity, empower us to be vibrant ambassadors of Your deepest passions for this good earth and all who dwell upon it. Amen.

Reps. Boucher and Jacobson led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Nehring, Healy, Peter Cote, Laura Kane, Dowd, David Scanlan and Henderson, the day, illness.

Reps. Fenton, Abbott, Crowell, Nowe, Robertson, Connolly, Flint, Pantelakos, David Cote, Dewhirst, Steadman, Moncrief, Eaton, Mark Holt and Desmarais, the day, important business.

Reps. Charles Cote and Gleason, the day, illness in the family.

**INTRODUCTION OF GUESTS**

John Gryvall, guest of Rep. Boucher. The Smoke-free class of 2000 from Rundlett Junior High School and their teacher Donna Reardon, guests of Rep. Donna Sytek. Forrest Cole, guest of the Lebanon Delegation.

**GUEST ON THE ROSTRUM**

Dr. David Lee, Director General from the Taipei Economic and Cultural Office in Boston, representing the Republic of China on Taiwan, guest of the House.

**SENATE MESSAGES****REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 456**, requiring governor and council approval for certain lease or concession contracts on state forests and reservations. (Amendment printed SJ 8, 3/9/95)

Rep. Dickinson moved that the House concur.

Adopted.

**HB 502-FN**, amending the fiscal note law. (Amendment printed SJ 11, 3/28/95)

Rep. Channing Brown moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Channing Brown, Robert Johnson, Dowling and Wallner.

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 10, 102, 103, 196, 273, 302, 310, 364, 577, 582 and HJR 2.

Rep. Tufts for the Committee

**COMMITTEE REPORTS****CONSENT CALENDAR**

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 263**, relative to the board of registration in medicine and making an appropriation for clerical support, was removed at the request of Rep. Barry.

**HB 526**, relative to the elevator law, including certain fees, was removed at the request of Rep. Tucker.

**HB 543**, imposing a surcharge on fines and default payments which are overdue to the division of motor vehicles, was removed at the request of Rep. Keans.

Consent Calendar adopted.

**HB 309**, relative to pirated recordings. **OUGHT TO PASS WITH AMENDMENT**

Rep. Vivian R. Clark for Corrections and Criminal Justice: The purpose of this bill was to provide grounds for state prosecution of persons who sell or rent illegally manufactured recordings, since federal law preempts prosecution for copyright infringement but is not enforced. The amendment moves the consumer protection feature of the bill from the copyright section of the RSAs to the section on fraud. Vote 18-0.

### Amendment (1924L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to counterfeit recordings.

Amend RSA 352-A:2, III(b)(1) as inserted by section 2 of the bill by replacing it with the following:

(1) broadcast or telecast transmissions or related uses, provided the transferor is engaged in licensed radio or television broadcasting;

Amend the bill by replacing all after section 2 with the following:

3 New Section; Dealing in Counterfeit Recordings. Amend RSA 638 by inserting after paragraph 638:6 the following new section:

638:6-a Dealing in Counterfeit Recordings.

I. As used in this section, "original recording" means any article on which sounds or images, or both, have been recorded with the authorization of the holder of the copyright for the material recorded. "Counterfeit recording" means any article on which sounds or images, or both, have been copied from an original recording, without the authorization of the holder of the copyright for the material recorded.

II. Any person who sells or rents counterfeit recordings, or possesses counterfeit recordings for the purpose of sale or rental, shall be guilty of a class A misdemeanor if a natural person, or guilty of a class B felony if any other person. Each individual counterfeit recording shall constitute a separate offense.

III. Possession of 5 or more duplicate copies or 20 or more individual copies of counterfeit recordings shall create a rebuttable presumption that such recordings are intended for sale or distribution in violation of this section.

4 Effective Date. This act shall take effect January 1, 1996.

### AMENDED ANALYSIS

This bill clarifies the law relative to copying of recorded devices, including dealing in counterfeit recordings.

**HB 152-FN**, allowing the New Hampshire technical institute and technical colleges to apply for accreditation other than as a technical institute or technical college, renaming the department, the institute and colleges, and making administrative revisions. **OUGHT TO PASS**

Rep. W. Gordon Allen for Finance: This bill renames the department of "postsecondary technical education" to the department of "regional community-technical colleges" and allows reorganization, increased flexibility, and broadened mission and accreditation to better meet the needs of students and businesses. These changes will hopefully allow the "regional community-technical institute and colleges" to increase enrollments and tuitions and minimize general fund requirements in FY96 and FY97. Vote 20-1.

**HB 154-FN**, relative to temporary registrations, approval of certain vehicle equipment and driver license application searches and establishing a fee. **OUGHT TO PASS**

Rep. Charles L. Vaughn for Finance: This bill permits the Director of Motor Vehicles to collect a \$10 fee for searches and copies of the national driver record repository or the problem driver pointer system. Persons or entities initiating the search will comply with the rules established by the Commissioner of Safety authorized by this act. In addition, the act gives authority to the Department of Safety to approve certain automotive safety equipment. Vote 25-0.

**HB 168-FN-A**, establishing the Squam Lakes Public Access Trust Program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles L. Vaughn for Finance: The Squam Lakes Public Access Trust Program shall be administered by a board of thirteen directors. They shall adopt procedures overseeing non-public deposited trust funds used for identifying and acquiring lands for a public boating access to Squam Lake. No fish and game funds, nor general revenues will be used for the program. Nonetheless, all lands and interest in land acquired by the trust shall be assigned and managed by the state in the public interest. The trust will have three years to complete the program after passage of this act. Vote 21-0.

**Amendment (1876L)**

Amend RSA 271-B:3, II as inserted by section 1 of the bill by replacing it with the following:

II. Members appointed under subparagraph I(h) through (k) shall be advisory, nonvoting members.

Amend RSA 271-B:3, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Five voting members shall constitute a quorum. Decisions shall be made by a majority of the members present and voting. Each member appointed under subparagraphs I(a)-(g) shall have one vote in matters before the board. The board shall meet quarterly and at such other times as may be deemed necessary by the chairperson.

Amend RSA 271-B:4, as inserted by section 1 of the bill by replacing it with the following:

271-B:4 Powers and Duties of the Board of Directors. The board of directors may:

I. Adopt procedures for identifying and acquiring lands, easements, development rights and other interests in lands.

II. Enter into contracts with private entities for services necessary to carry out the purposes of this chapter, whether or not compensation is required.

III. Oversee, direct, and expend funds deposited in the trust fund of the Squam Lakes public access trust in accordance with the purposes of this chapter. This includes, but shall not be limited to, the authority to draw upon funds for acquisition of lands, and related improvements.

IV. Accept gifts and donations of money, including money from appropriate fundraising activities, lands, interests in lands; federal, state, local, private, and other matching funds and incentives; and other assets to be deposited in the fund for purposes of this chapter.

V. Acquire or dispose of an asset, for cash or credit, at public or private sale, manage, develop, improve, exchange, donate, partition, adjust boundaries, encumber, mortgage, or pledge a trust asset or any interest therein, dedicate easements to public use with or without consideration, in the exercise of any power vested in the board of directors. All donations of assets, land, easements, development rights and other interests in land to the state under this chapter shall be subject to the approval of the governor and council.

Amend the introductory paragraph of RSA 271-B:7, as inserted by section 1 of the bill by replacing it with the following:

271-B:7 Acquisition, Criteria and Guidelines. The criteria and guidelines for acquiring lands and interest in lands shall include, but shall not be limited to, the following:

Amend RSA 271-B:8, as inserted by section 1 of the bill by replacing it with the following:

271-B:8 Management. All lands and interest in lands acquired by the trust and assigned to the state shall be managed by the state in the public interest in accordance with the purpose of this chapter and shall not be managed by the trust.

Amend RSA 271-B:11, as inserted by section 1 of the bill by replacing it with the following:

271-B:11 Notification; Public Hearing. Prior to the acquisition in fee under this chapter of any land by the trust the board of directors shall notify by certified mail, return receipt requested, the governing body of the municipality in which the land to be acquired is located. Upon receipt of such notice, the governing body of the municipality shall post a public notice of the proposed land acquisition. The board shall allow at least 45 days from receipt of certified notice, for a response from the governing body of the municipality prior to making any decision on the proposed acquisition.

Amend the bill by replacing all after section 1 with the following:

2 Repeal. RSA 271-B, relative to the Squam Lakes Public Access Trust program, is repealed.

3 Effective Date.



I. Section 2 of this act shall take effect 3 years after the effective date of this act.

II. The remainder of this act shall take effect upon its passage.

**HB 495-FN**, relative to the oil discharge and disposal cleanup fund and the fuel oil discharge cleanup fund and related fees. **ought to pass with amendment**

Rep. Robert G. Holbrook for Finance: This amended bill increases the import fee on diesel fuel and gasoline to \$.015 for the Oil Disbursement Fund, extends the sunset provision to January 1, 2005, and changes deduction limits of owned facilities. Vote 23-2.

### **Amendment (1960L)**

Amend the bill by replacing sections 2 and 3 with the following:

2 Increase in Import Fee for Underground Storage Facilities. Amend RSA 146-D:3, II to read as follows:

II. Any distributor who imports, or who causes oil to be imported into this state shall first be licensed with the department of safety. A fee of [\$.007] **\$.015** per gallon of oil shall be assessed at the time of importation into this state. All fees shall be deposited in the oil discharge and disposal cleanup fund established under this chapter. If the fund's balance becomes greater than \$10,000,000, the fund assessment fees provided for in this paragraph shall be discontinued and only reestablished when the fund's balance is less than \$5,000,000. Any distributor who imports or blends home heating oil which is subsequently sold as diesel fuel for the propulsion of motor vehicles shall report the fuel as required in RSA 146-D:3, III. Any person purchasing home heating oil for diesel use and not declaring this intent to the distributor at the time of purchase shall be liable in the same manner as the distributor would be.

3 Increase in Import Fee for Underground Storage Facilities. Amend RSA 146-D:3, VI to read as follows:

VI. For each gallon of oil for which a fee is assessed, [\$.006] **\$.014** per gallon shall be placed in an account for reimbursement of owners of eligible underground storage facilities and \$.001 per gallon shall be placed in an account to be used for reimbursement of owners of eligible bulk storage facilities.

Amend the bill by inserting after section 4 the following new section and renumbering the existing sections 5-11 to read as 6-12, respectively:

5 Eligible Expenses for Underground Storage Facilities Modified. Amend RSA 146-D:6, II(a) to read as follows:

II.(a) To the extent such amount is expended from the fund, or for such lesser amount as is expended, owners shall be liable to the fund for the following:

(1) The owner of *from one [facility] to 3 facilities* shall be responsible for the initial \$5,000 of cleanup costs at [such] *each facility owned*.

(2) The owner of from [2 to 19] *4 to 9* facilities shall be responsible for the initial [\$20,000] **\$10,000** of cleanup costs at each facility owned.

(3) The owner of [20 or more] *from 10 to 19* facilities shall be responsible for the initial [\$30,000] **\$20,000** of cleanup costs at each facility owned.

(4) *The owner of 20 or more facilities shall be responsible for the initial \$30,000 of cleanup costs at each facility owned.*

Amend the bill by replacing section 12 with the following:

12 Effective Date. This act shall take effect July 1, 1995.

### **AMENDED ANALYSIS**

This bill:

(1) Changes the definition of bulk storage facility.

(2) Increases the oil import fee for underground storage facilities.

(3) Extends the registration deadline for existing gasoline and diesel bulk storage facilities.

(4) Changes the guidelines for reimbursement from the fund for owners of eligible facilities with certain insurance coverage.

(5) Extends the registration deadline for existing fuel oil bulk storage facilities.

(6) Repeals the oil discharge and disposal cleanup fund on January 1, 2005, instead of January 1, 2000.

(7) Transfers any remaining moneys in the fund to the oil pollution control fund in RSA 146-A:11-a.

**HB 507-FN-L**, returning municipal ordinance fines to the municipalities. RE-REFER TO COMMITTEE

Rep. Arthur P. Klemm, Jr. for Finance: Division I of the Finance Committee spent considerable time on this bill. There was interest in the committee in trying to help the local property taxpayers reduce their property taxes by returning municipal ordinance fines to local municipalities but with the fiscal impact of this bill, a reduction in state revenues of \$657,000 in FY 96 and \$1,315,000 each year thereafter and being unable to obtain information from the courts on the actual cost of fines, the committee wanted more time to work on the bill and asks that it be re-referred to committee. Vote 18-1.

**HB 534-FN**, relative to the duties of the secretary of state. OUGHT TO PASS WITH AMENDMENT

Rep. Robert L. Wheeler for Finance: The majority of the committee felt that it was important to fulfill the educational plan agreed to in a legal settlement, allow flexibility in examination of books, and lend financial stability to this portion of the secretary of state's operation. Vote 20-1.

**Amendment (1828L)**

Amend the bill by inserting after section 2 the following and renumbering the original section 3 and 4 to read as 5 and 6, respectively:

3 Examination of Broker-Dealers and Issuer-Dealers. Amend the introductory paragraph of RSA 421-B:9, 1 to read as follows:

1. For the purpose of determining the financial condition, fulfillment of its contractual obligations, and compliance with the law, whenever the secretary of state shall deem it expedient, he shall examine, either in person or by some examiner duly authorized by him the affairs, transactions, accounts, records, documents, and assets of each licensed broker-dealer, investment adviser, or issuer-dealer as to any matter relevant to the financial affairs or obligations of the broker-dealer, investment adviser, or issuer-dealer or any other fact relative to its business methods, management and its dealings with clients, as often and to the extent he deems advisable. Except as otherwise provided, he shall examine each domestic broker-dealer or issuer-dealer and domestic branches of foreign broker-dealers or issuer-dealers at least once every [2] **4** years. Examination of an alien broker-dealer, investment adviser, or issuer-dealer shall be limited to its broker-dealer, investment adviser, or issuer-dealer transactions, assets, trust deposits, and affairs in the United States except as otherwise required by the secretary of state.

4 Deduction of Administrative Costs. Amend RSA 421-B:26, IV to read as follows:

IV. All moneys collected as an administrative penalty under this chapter *and all moneys collected pursuant to RSA 421-B:31, I(h)* shall be credited to an investor education fund to be maintained by the state treasurer. Funds in excess of \$800,000 at the end of each fiscal year shall be credited to the general fund. The secretary of state, *after deducting administrative costs*, shall use moneys credited to that fund to provide information to residents of this state about investments in securities, to help investors and potential investors evaluate their investment decisions, protect themselves from unfair, inequitable or fraudulent offerings, choose their broker-dealers, agents or investment advisers more carefully, be alert for false or misleading advertising or other harmful practices, and know their rights as investors.

**AMENDED ANALYSIS**

This bill:

- (1) Makes technical corrections to certain fees under the securities laws.
- (2) Allows for the deduction of administrative costs from money to be deposited in the investor education fund.
- (3) Makes technical corrections to the incorporation requirements under the business corporation laws.
- (4) Requires the secretary to examine broker-dealers and issuer-dealers once every 4 years rather than every 2 years.

**HB 539-FN**, making certain changes to the legacy and succession tax. OUGHT TO PASS WITH AMENDMENT

Rep. Donna M. Soucy for Finance: This bill as amended would put in place definitions, clarify and expand existing language relative to deductions and it would expand the current reporting

requirements to include joint tenancies and trusts. The legislation does not expand the application of the tax. Lastly, the bill as originally introduced contained reference to the inventory of safe deposit box and all of that language was deleted through the amendment. Vote 21-1.

### Amendment (1938L)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Definitions. Amend RSA 86 by inserting after section 5 the following new section:

86:5-a Definitions. In this chapter:

I. "Decedent's adopted child or children" means the individuals who were taken into the decedent's family before reaching the age of majority through a state statutory process where the decedent assumed all the parental duties of a natural parent and the rights and duties existing between the individual and the natural parents were permanently terminated.

II. "Estate" means the probate and non-probate assets of a decedent.

III. "Gross estate" means the total property or that portion of the total property owned by the decedent or which the decedent had an interest in at the time of death before any deductions are taken into account whether such property is real or personal, tangible or intangible, wherever located.

2 Technical Clarifications. Amend RSA 86:6, I to read as follows:

I. All **real or personal** property [within the jurisdiction of the state, real or personal, and] **of domiciliaries or** any interest [therein, belonging to domiciliaries of the state;] **in such property** and all real estate within the state, or any interest [therein] **in such real estate**, belonging to persons who are not domiciliaries of the state; which shall pass by will, or by the laws regulating intestate successions, or by deed, grant, bargain, sale or gift, made in contemplation of death, or made or intended to take effect in possession or enjoyment at or after the death of the grantor or donor, to any person, absolutely or in trust, shall be subject to a tax of 18 percent of its **fair market** value for the use of the state, except as provided in paragraphs II and III and RSA 86:9-a.

3 Decedent's Adopted Children. Amend RSA 86:6, II(b) - (g) and III to read as follows:

(b) The decedent's lineal ascendants and the decedent's lineal descendants [which shall include all adopted children in the decedent's line of succession] together with the spouses of said ascendants and descendants, **provided that such ascendants and descendants have not been adopted by another person**;

(c) The decedent's adopted children together with the spouses and lineal descendant of such adopted children;

[(c)] (d) The care of cemetery lots in this state;

[(d)] (e) A city or town in this state for public municipal purposes;

[(e)] (f) Educational, religious, cemetery, or other institutions, societies, or associations of public charity in this state, or in any other state, territory or country, the laws of which at the time of the death of the decedent provide either of the following:

(1) Do not impose a transfer or death tax of any kind;

(2) Grant an exemption similar to that provided for in this paragraph, to their domiciliaries, for the property passing to charities in this state.

[(f)] (g) A person who for 10 consecutive years prior to [his] **the person's** fifteenth birthday was a member of the household of the decedent.

[(g)] (h) The decedent's stepchildren **of the current marriage or of the most recent marriage** together with the spouses [of said stepchildren;] **and** the lineal descendants [and stepchildren of the decedent's] **of such** stepchildren [together with the spouses of said descendants and stepchildren; and the stepchildren of the decedent's lineal descendants together with the spouses of said stepchildren].

III. The decedent's share of or interest in a homestead which, for a period of at least one year immediately preceding the date of death of the decedent, was owned in whole or in part by the decedent as [his] **the** last and usual place of residence [and occupied as a place of residence by] **provided that the homestead was occupied as the primary residence of** one or more of the decedent's [brothers and sisters, or brothers or sisters] **siblings**, but not necessarily by the decedent at the time of [his] **the decedent's** death, shall be exempt from the tax imposed in para-

graph I [if] *to the extent that the interest in the homestead passes to or for the use of [said brothers and sisters, or brothers or sisters] those siblings occupying the homestead on the date of the decedent's death.*

4 Abatement for Exempt Remainders. Amend RSA 86:16 to read as follows:

86:16 Abatement *for Exempt Remainders.* If at the termination of the intermediate estate such remainder or any portion thereof shall pass to a person or corporation which at the time of the death of the decedent was exempt from such tax, such person or corporation may, at any time within one year after the termination of the intermediate estate, but not afterwards, apply to the [probate court] *department of revenue administration* for an abatement of the tax on such remainder [as provided in RSA 86:48], and the state treasurer upon the certification of the department of revenue administration shall repay the amount adjudged to have been [illegally exacted as provided in RSA 86:50] *overpaid*, with interest thereon [at 3 percent per annum from the date of the payment of the tax] *as determined in accordance with RSA 21-J:28.* Whenever a tax shall hereafter be collected under the provisions of RSA 86:13[, 14,] and 15 in a case where the intermediate estate shall pass to a husband or wife with the right to use or expend such portions of the principal as may be necessary for [his or her] *the surviving spouse's* reasonable support and maintenance and the principal shall prove to be insufficient for that purpose, and [he or she] *the surviving spouse* is without other means of support, then [he or she] *such spouse* may apply to the [probate court] *department of revenue administration* for an abatement of the entire tax *on such remainder*, and upon such abatement the state treasurer upon the certification of the department of revenue administration shall repay the amount so collected with interest as [aforesaid] *determined in accordance with RSA 21-J:28.*

5 Value of Bequest as Compensation. Amend RSA 86:17 to read as follows:

86:17 Bequests as Compensation. If a testator gives, bequeaths, or devises to [his] *the testator's* executors or trustees any property otherwise liable to said tax, in lieu of their compensation, the value thereof in excess of reasonable compensation, as determined by the [probate court upon the application of any interested party or the] department of revenue administration, shall nevertheless be subject to the provisions of this chapter.

6 Inventory. Amend RSA 86:21 to read as follows:

86:21 Inventory; Appraisal. An inventory and appraisal under oath of the whole of every estate, any part of which may be subject to a tax hereunder, in the form prescribed by the [statute] *probate court*, shall be filed in probate court by the executor, administrator or trustee within 3 months after [his] appointment *and a copy of such inventory shall be provided to the department of revenue administration by the executor, administrator, or trustee at such time.*

7 Report of Gifts, Transfers, Joint Tenancies, and Trusts. Amend RSA 86:22 to read as follows:

86:22 Report of Gifts [and], Transfers, *Joint Tenancies and Trusts.*

I. Except as provided in paragraph II, every executor and administrator shall, within 6 months from the date of [his appointment] *the decedent's death or when the petition for administration is filed with the probate court, whichever is later*, file with the appropriate register of probate and with the department of revenue administration, upon a form prescribed by the department of revenue administration, a report of the following [so far as the same shall come to his knowledge]:

(a) A report of all transfers of real and personal property, *except bona fide sales at an arms-length price*, made by the decedent [in contemplation of death] *within 2 years prior to the date of death or transfers* to take effect in possession or enjoyment at or after death *including transfers of property through trust agreements, partnership agreements or other agreement between the decedent and one or more other persons.*

[(b)] A report of all transfers of real and personal property during the last 2 years of the decedent's life if the property has a value of over \$500, except bona fide sales for a reasonable consideration in money or money's worth.]

[(c)] (b) A report of all real and personal property held in joint tenancy by the decedent at the time of [his] *the decedent's* death and the names [and], addresses *and the relationship, if known, to the decedent* of the [survivors] *surviving joint tenants*[, if known].

II. A report pursuant to [paragraph] *paragraphs I, III and IV* of this section [need] *shall* describe [only the situs] *the location* and [previous] title reference of real property and need not

state the nature or amount of personal property in the case of any transfers of real or personal property or joint tenancies in which all transferees or surviving joint tenants [stand in the relation of husband, wife, lineal ascendant, lineal descendant, or adopted child to the deceased transferor or joint tenant] *are exempt under RSA 86:6, II(a), (b), (c), or (h).*

**III. Except as provided in paragraph II and within 6 months of decedent's death, every executor, administrator, trustee, fiduciary, or custodian having knowledge of the existence of a trust funded either prior to or as a result of the decedent's death in whole or in part with property of a decedent and which transfers a beneficial interest in property of the decedent to another effectively in the same manner as a will or other testamentary instrument shall notify the department of revenue administration of its existence and provide a copy of such trust document, including any schedule of beneficiaries, to the department.**

**IV. Except as provided in paragraph II and within 6 months of a decedent's death, every executor, administrator, trustee, fiduciary, or custodian having knowledge of the transfer of any property, whether real or personal, by operation of law as a result of the decedent's death shall notify the department of revenue administration of such transfer, unless reported under paragraph I or III providing the name of the transferee, the relationship of the transferee to the decedent, and the nature and fair market value of the property.**

8 Penalties for Non-Compliance. Amend RSA 86:23 to read as follows:

86:23 Penalty. If an executor [or], administrator, *trustee, fiduciary, or custodian* neglects or refuses to comply with any of the requirements of RSA 86:18-22 [he], *such person* shall be liable to a penalty of not more than \$1,000, to be recovered by the department of revenue administration for the use of the state, and, upon *petition by the department*, notice and hearing, the probate court may remove [him] *such person*, and appoint another person administrator with the will annexed, or administrator, as the case may be.

9 Final Accounts. Amend RSA 86:31 to read as follows:

86:31 Conditions of Allowance of Account. No *final* account of an executor, administrator, or trustee shall be allowed by the probate court until the certificate of the department of revenue administration has been filed in said court, *stating* that all [taxes imposed] *tax returns required* by the provisions of this chapter [upon any property or interest therein belonging to the estate to be included in said account, and already payable,] *have been filed and that the amounts of self-assessed taxes* have been paid, and that [all] *provision has been made for any* taxes which may become due on said property or interest [therein to be included in said account have been paid, or settled as herein provided], or that the payment thereof to the state is *assumed by the legatee receiving such property or interest* secured by deposit, or by lien on real estate.

10 Certificate and Receipt. Amend RSA 86:32 to read as follows:

86:32 Certificate and Receipt. [The] A certificate [of] *from* the department of revenue administration [as to] *verifying that the required returns have been filed and* the amount of the *self-assessed* tax [and its receipt for the amount therein certified shall be conclusive as to the payment of the tax to the extent of such certification] *reported has been paid may be requested by the executor, administrator, legatee, the register of probate, or the judge of the probate court having jurisdiction over the estate.*

11 Technical Clarifications. Amend RSA 86:33 to read as follows:

86:33 Continuance of Account. Whenever [an] *a final* account is otherwise in order for allowance by the court, but the certificate of the department of revenue administration, as provided in RSA 86:32, is not produced or on file in the probate court, the account shall be continued by the judge of probate until [such tax has been paid and] the certificate of the department of revenue administration [duly] *is filed with the court.*

12 Basis of Assessment. Amend RSA 86:40 to read as follows:

86:40 Basis of Assessment.

**I. Except as provided in paragraph II, said tax shall be assessed upon the [actual] fair market value of the property at the time of decedent's death or the alternate valuation as determined by section 2032 of the United States Internal Revenue Code of 1986 as amended, and gains or losses on sales made afterward for any purpose shall be disregarded[, except as evidence of true value at time of death].**

**II. In instances in which the decedent's will requires the sale of property or where such sale is required to pay the enforceable claims against the decedent, the value of such property shall be the fair market value of the property at the time of sale.**

13 Fair Market Value. Amend RSA 86:41 to read as follows:

86:41 Subsequent Appraisal. Upon the application of any party interested in the succession, or of the executor, administrator or trustee, made at any time within 3 months after notice of such determination, the probate court shall appoint 3 disinterested appraisers, or, with the consent of the department of revenue administration, one disinterested appraiser, who, first being sworn, shall appraise such property at its [actual] *fair* market value as of the date of the death of the decedent, and shall make return thereof to said court.

14 Fees of Appraisers. Amend RSA 86:43 to read as follows:

86:43 Fees of Appraisers. [One half of] The fees of said appraisers, as determined by said court, shall be paid by the *party requesting the subsequent appraisal and, if such party is the department revenue administration, by the state treasurer from funds not otherwise appropriated* upon the certification of the department of revenue administration[, and 1/2 by the other party or parties to said proceeding].

15 Deductions. RSA 86:44 is repealed and reenacted to read as follows:

86:44 Deductions.

I. In the computation of said taxes the executor, administrator, trustee or legatee may deduct the following from the assets of the gross estate or the trust provided such deductions were legal obligations of the estate or trust and paid from or payable from such assets and were not deductible under RSA 86:8:

(a) All debts owed by the decedent at the date of death.

(b) Funeral and burial expenses not covered by a prepaid mortuary trust account.

(c) Expenses of the last illness which are not payable by insurance or other medical reimbursement plans.

(d) Expenses required to maintain property of the decedent provided the property is assessed under the provisions of RSA 86:40, II.

(e) Reasonable compensation paid to an executor or administrator for personal services in the administration of the estate.

(f) Reasonable compensation paid to a trustee of a trust the assets of which become subject to taxation under this chapter for services actually performed by the trustee that are comparable to those services performed by an executor or administrator in the administration of an estate.

(g) Federal or state estate taxes other than New Hampshire assessed and paid by the estate.

(h) In the event that the decedent's will provides that all taxes be paid from the estate, the payment of inheritance taxes by the estate will be presumed to be made from the residuary in which case a deduction will be allowed against the residuary for all legacy and succession taxes on all other bequests with the exception of taxes on the residuary and the taxes assessed under this chapter on the assets of a trust. However, if no New Hampshire real estate is sold the taxes imposed by the state where the real estate is located shall be a reduction of the proceeds of such sale and not a deduction against the New Hampshire estate under this section.

(i) In the event that the trust agreement provides that all taxes be paid from the trust, the payment of inheritance taxes by the trust will be presumed to be made from the residuary in which case a deduction will be allowed against the residuary for all legacy and succession taxes on all other trust bequests with the exception of the residuary, except for the taxes assessed under this chapter on the assets of the probate estate. However, if no New Hampshire real estate is sold the taxes imposed by the state where the real estate is located shall be a reduction of the proceeds of such sale and not a deduction against the New Hampshire trust under this section.

(j) Taxes and preparation fees for all federal and state tax returns for all tax years up to and including the year of death.

(k) Expenses of administration provided such expenses are essential for the proper settlement of the estate and not incurred for the benefit of the heirs, legatees, or devisees. Administration expenses include, but are not limited to, cost of fiduciary bond, postage, required notices, certified copies of wills, fees for recording instruments, appraisal fees, and legal fees unless such fees are incurred for the specific benefit of the legatees, heirs, or devisees.

II. In the computation of this tax on the residuary probate or trust estate it shall be calculated on the balance of the residuary after subtracting the deductions provided in paragraph I.

16 Estate of Nonresident. Amend RSA 86:51 to read as follows:

86:51 Estate of Nonresident.

I. In the absence of administration in this state [upon the estate of a nonresident], the department of revenue administration may, at the request of an executor or administrator duly appointed and qualified in the state of the decedent's domicile, or of a grantee, or donee under a conveyance made during the grantor's lifetime, and upon satisfactory evidence furnished it by such executor, administrator [or], grantee, [or] donee, or otherwise, determine whether or not any real estate of said decedent within this state is subject to tax under the provisions of this chapter, and if so may determine the amount of such tax and adjust the same with such executor, administrator [or], grantee, *or donee* and for that purpose may appoint an appraiser to appraise said property as provided in RSA 86:27; and the expense of such appraisal shall be a charge upon [said] *the* real estate in addition to the tax.

**II. *The executor, administrator, grantee, or donee shall be required to prepare and file all forms required by this chapter with the department of revenue administration. The information required by RSA 86:18-22 shall relate only to the real property located in New Hampshire.***

17 Certificate and Receipt. Amend RSA 86:52 to read as follows:

86:52 [Conclusiveness of] Certificate and Receipt. [The] A certificate [of] *from* the department of revenue administration [as to] *verifying that the required returns have been filed and that* the amount of [such] *the self-assessed* tax [and its receipt for the amount therein certified] *reported has been paid may be requested by the executor, administrator, grantee or donee and* may be filed in the probate office in the county where the real estate is located, and when so filed shall be conclusive evidence of the *filing of the required return* and payment of the *self-assessed* tax[, to the extent of such certification, as provided in RSA 86:32].

18 Overdue Tax. Amend RSA 86:53 to read as follows:

86:53 Overdue Tax. Whenever in such a case the tax [is not adjusted within 4 months] *return is not filed and the self-assessed tax is not paid within 9 months* after the death of the decedent, the [proper] probate court, upon application of the department of revenue administration, shall appoint an administrator [in this state] as provided in RSA 86:35.

19 Domicile. Amend RSA 86:71 to read as follows:

86:71 Dispute as to Domicile. Where the department of revenue administration claims that a decedent was domiciled in this state at the time of [his] death and the taxing authorities of another state or states make a similar claim with respect to their state or states, such department may enter into a written agreement with such taxing officials and with the executor or administrator that a certain sum shall be accepted in full payment of the tax, together with interest and penalties, imposed by this chapter, provided that said agreement also fixes the amount to be paid to such other state or states in full payment of [the legacy and succession] *death* taxes thereof. Full power and authority is hereby conferred upon the executor or administrator to enter into the agreement provided for herein. Upon the filing of such agreement or duplicate thereof with the probate court which would have jurisdiction over the estate if said decedent had died domiciled in this state, an order fixing the tax shall be made in accordance with such agreement, and such order shall finally and conclusively fix and determine the amount of tax imposed by this chapter. [The provisions of this section shall apply only to cases in which all the states involved have substantially similar laws.]

20 Administrative Summons. Amend RSA 86:81 to read as follows:

86:81 Notice to Appear. Whenever the department of revenue administration shall desire the attendance of an executor, administrator, or beneficiary as herein provided it shall issue [a notice stating the time when such attendance is required, and shall transmit the same, by registered mail,] *an administrative summons to appear, give testimony or produce documentation as provided in RSA 21-J:3 or RSA 21-J:5*, to such person or corporation, 14 days [at least before] *prior to* the date when such person or corporation is required to appear.

21 Appearance by Department. Amend RSA 86:83 to read as follows:

86:83 Appearance by Department. The department of revenue administration shall be entitled to appear and shall represent the state in any proceeding in any court in which the decree may in any way affect the tax. No decree in any such proceeding, or upon appeal therefrom, shall be binding upon the state, [and no decree shall be entered upon a petition for leave to file an authenticated copy of a foreign will and the probate thereof,] or upon a probate appeal, unless personal notice of such proceeding shall have been given to such department of revenue administration.

22 Audit Authority; Legatees. Amend RSA 86:92, I-IV to read as follows:

I. An executor, administrator, *legatee*, or probate court may request in writing within 2 years of the decedent's death an audit of the return.

II. The department may, on its own motion, undertake such an audit upon written notice to the executor [or], administrator, *or legatee* within the statute of limitations as provided in RSA 21-J:29, except that where a change is reported as provided in RSA 86:90, IV, such notice shall be provided within 6 months of the receipt of such amended return.

III. An executor [or], administrator, *or legatee* may request an administrative hearing pursuant to RSA 21-J:28-b, I, II, and III.

IV. Within 30 days after notice of any adjustment ordered by the commissioner *as a result of an administrative hearing*, an executor [or], administrator, *or legatee* may appeal the commissioner's determination to the probate court having jurisdiction over the decedent's estate. The probate court shall determine de novo the correctness of the commissioner's action.

23 Reference Removal. Amend RSA 89:24, I to read as follows:

I. The department of revenue administration, whenever it has knowledge or reason to believe that any person or corporation has in possession or control any personal property belonging to the estate of a deceased nonresident upon which the tax has not been paid and a schedule of which has not been furnished it, as herein provided, or that any such person or corporation has received a transfer of such property or made such a transfer (except to a resident executor, administrator, or trustee) upon which the tax has not been paid, as herein provided; or that such person or corporation has knowledge of a transfer of any such personal property of such nonresident decedent in his lifetime by deed, grant, bargain, sale, or gift, made in contemplation of death, or made or intended to take effect in possession or enjoyment at or after the death of the grantor or donor, or has possession or control of property so transferred, may require such person or any officer of such corporation to appear at its office as provided in RSA 86:81 [and 86:82].

24 Repeal. RSA 86:82, relative to penalties for disobedience, is repealed.

25 Effective Date. This act shall take effect July 1, 1995.

#### AMENDED ANALYSIS

This bill clarifies the application of the legacy and succession tax with regard to:

I. Adopted children of a decedent.

II. Joint tenancies and trusts.

III. Allowable deductions in the computation of the tax.

IV. The duties of executors, administrators, and joint tenants.

**HB 581-FN**, authorizing the department of environmental services, division of water resources, to acquire certain dams. **OUGHT TO PASS**

Rep. Merle W. Schotanus for Finance: This bill provides for state acquisition of two dams in the town of Milton Mills. Funds for needed repairs are included in the FY 96-97 capital budget. Vote 23-2.

**HB 641-FN**, relative to regulation of mortgage loan servicing companies by the banking department and requiring mortgage loan servicing companies to register with and pay registration fees to the department. **OUGHT TO PASS**

Rep. Neal M. Kurk for Finance: This bill requires the banking department to regulate mortgage servicing companies. The committee examined the fees involved and found them appropriate. Vote 26-0.

#### REGULAR CALENDAR

**HB 125**, making technical corrections and clarifications in the wiretapping and eavesdropping statutes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sharleene P. Hurst for Corrections and Criminal Justice: The committee amendment replaces the term "wire communication" with the term "telecommunication". The purpose for this action is to bring the provisions of the bill in line with current communications technology. The amended bill makes no policy changes. Vote 11-4.



**Amendment (1958L)**

Amend the title of the bill by replacing it with the following:

**AN ACT**

clarifying definitions in the wiretapping and eavesdropping statutes.

Amend the bill by replacing all after the enacting clause with the following:

1 Definition Revised. RSA 570-A:1, I is repealed and reenacted to read as follows:

I. "Telecommunication" means the transfer of any form of information in whole or in part through the facilities of a communications common carrier. "Telecommunication" does not include any communication made through a tone-only paging system or from a tracking device.

2 Terminology Changed; Gender-Neutral Language Added. Amend RSA 570-A:8, II to read as follows:

II. Any law enforcement officer who, by any means authorized by this chapter, has obtained knowledge of the contents of any [wire] **telecommunication** or oral communication or evidence derived therefrom may use such contents to the extent such use is appropriate to the proper performance of [his] **the officer's** official duties.

3 Gender-Neutral Language Added. Amend RSA 570-A:9, I(b) to read as follows:

(b) A full and complete statement of the facts and circumstances relied upon by the applicant to justify [his] **the applicant's** belief that an order should be issued, including: (1) Details as to the particular offense that has been, is being, or is about to be committed, (2) A particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted, (3) A particular description of the type of communications sought to be intercepted, (4) The identity of the person, if known, committing the offense and whose communications are to be intercepted;

4 Terminology Changed; Gender-Neutral Language Added. Amend RSA 570-A:9, VII(a) to read as follows:

(a) The contents of any [wire] **telecommunication** or oral communication intercepted by any means authorized by this chapter shall, if possible, be recorded on tape or wire or other comparable device. The recording of the contents of any [wire] **telecommunication** or oral communication under this paragraph shall be done in such way as will protect the recording from editing or other alterations. Immediately upon the expiration of the period of the order or extensions thereof, such recordings shall be made available to the judge issuing such order and sealed under [his] **the judge's** directions. Custody of the recordings shall be wherever the judge orders. They shall not be destroyed except upon an order of the issuing or denying judge and in any event shall be kept for 10 years. Duplicate recordings may be made for use or disclosure pursuant to the provisions of RSA 570-A:8, I and II, for investigations. The presence of the seal provided for by this paragraph, or a satisfactory explanation for the absence thereof, shall be a prerequisite for the use or disclosure of the contents of any [wire] **telecommunication** or oral communication or evidence derived therefrom under RSA 570-A:8, III.

5 Terminology Changed; Gender-Neutral Language Added. Amend RSA 570-A:9, VIII to read as follows:

VIII. The contents of any intercepted [wire] **telecommunication** or oral communication or evidence derived therefrom shall not be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in a state court unless each party, not less than 10 days before the trial, hearing, or proceeding, has been furnished with a copy of the court order, and accompanying application, under which the interception was authorized or approved. This 10-day period may be waived by the judge if [he] **the judge** finds that it was not possible to furnish the party with the above information 10 days before the trial, hearing, or proceeding and that the party will not be prejudiced by the delay in receiving such information.

6 Terminology Changed; Gender-Neutral Language Added. Amend the unnumbered concluding paragraph of RSA 570-A:9, IX(a) to read as follows:

Such motion shall be made before the trial, hearing, or proceeding unless there was no opportunity to make such motion or the person was not aware of the grounds of the motion. If the motion is granted, the contents of the intercepted [wire] **telecommunication** or oral communication, or evidence derived therefrom, shall be treated as having been obtained in violation of this chapter. The judge, upon the filing of such motion by the aggrieved person, may, in [his]

*the judge's* discretion, make available to the aggrieved person or [his] *such person's* counsel for inspection such portions of the intercepted communication or evidence derived therefrom as the judge determines to be in the interests of justice.

7 Terminology Changed; Gender-Neutral Language Added. Amend RSA 570-A:10, III to read as follows:

III. On or before December 1 of each odd numbered year, the attorney general shall include in the report required [of him] by RSA 7:37, a report concerning the number of applications for orders authorizing or approving the interception of [wire] *telecommunications* or oral communications and the number of orders and extensions granted or denied during the preceding 2 years.

8 Gender Neutral Language Added. Amend the introductory paragraph of RSA 644:9, I to read as follows:

I. A person is guilty of a misdemeanor if [he] *such person* unlawfully and without the consent of the persons entitled to privacy therein, installs or uses:

9 Reference Changes.

I. Amend the following RSA provisions by replacing "wire or oral communication" with "telecommunication or oral communication": RSA 570-A:1, III, IV, VII and X; 570-A:2; 570-A:3; 570-A:4; 570-A:6; 570-A:8; 570-A:9; 570-A:11; 570-B; and 642:3, I(f).

II. Amend the following RSA provisions by replacing "wire communication" with "telecommunication": RSA 570-A:2, II(h) and II(i).

III. Amend the following RSA provisions by replacing "wire or oral communications" with "telecommunications or oral communications": RSA 570-A:2; 570-A:3; 570-A:6; 570-A:7; 570-A:8; 570-A:9; and 570-A:10.

10 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill revises the wiretapping and eavesdropping statute by:

I. Clarifying terms.

II. Amending gender-specific references to conform to the requirement of gender-neutral drafting under RSA 17-A:6.

Rep. Lozeau yielded to questions.

Adopted.

Report adopted and ordered to third reading.

**HB 510-FN**, relative to the sale of fireworks. OUGHT TO PASS WITH AMENDMENT

Rep. Richard E. Dolan for Corrections and Criminal Justice: Many members of the committee have reservations about the policy contained in this bill, but our responsibility is to review the penalty section only. The amendment, which was endorsed by the Public Protection Committee, makes the penalty apply to the whole subdivision on Class C fireworks and clarifies the language of the local option section. Vote 17-1.

#### Amendment (1946L)

Amend RSA 160-B:15 and RSA 160-B:16 as inserted by section 1 of the bill by replacing them with the following:

160-B:15 Sale. No person shall sell consumer fireworks other than a person who has a local permit to sell such fireworks issued pursuant to this subdivision.

160-B:16 Display. No person shall display consumer fireworks other than a person who has obtained such fireworks from a person authorized to sell pursuant to this subdivision.

Amend RSA 160-B:18 as inserted by section 1 of the bill by replacing it with the following:

160-B:18 Local Option.

I. Notwithstanding any provision of this subdivision, any municipality in the state, by action of its local legislative body or local governing body, may vote to prohibit, within that municipality, the issuance of permits under RSA 160-B:17. If the municipality has voted to prohibit the issuance of permits or the display or possession of fireworks prior to January 1, 1996, such decision shall remain in effect unless subsequent action is taken under this section.

II. Notwithstanding any law to the contrary, a person who is 18 years of age or older may transport consumer fireworks through any municipality which has voted to prohibit fireworks under paragraph I.

Amend the bill by inserting in section 1 after RSA 160-B:20 the following:  
160-B:21 Penalty. Any person who violates the provisions of this subdivision shall be guilty of a violation.

Adopted.

Report adopted and ordered to third reading.

**HB 53-FN**, relative to information technology management and relative to the information technology management advisory board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: The bill as amended by the committee changes the threshold of purchases for approval by the office of Information Technology from \$5000 to \$10,000. The amendment also defined the term agency to indicate that all members of the state family may obtain assistance from this office. The amendment also makes the director the executive secretary to the Information Technology Management Board and allows the commissioners on the board to appoint a designee to the board. Vote 15-0.

### Amendment (1966L)

Amend the bill by replacing all after the enacting clause with the following:

1 State Information Technology Plan; Purchasing Information Technology. Amend RSA 21-I:11, XI and XII to read as follows:

XI. Requiring, prior to an agency's submission of a request for proposal for state [data processing equipment, software, or services] *information technology as defined in RSA 21-I:66, III* exceeding [\$5,000] *\$10,000* in total cost, that the agency obtain approval of the proposal by the director of the office of information technology to ensure that the procurement is consistent with the state information technology plan.

XII. Requiring agencies to submit the approval from the director of the office of information technology in support of requests for purchases of information technology [equipment or software] *as defined in RSA 21-I:66, III* in excess of [\$5,000] *\$10,000*.

2 New Definitions; Agency, Information Technology, and Information Technology Management. Amend RSA 21-I:66 to read as follows:

21-I:66 Definitions. In this subdivision:

I. "Agency" means any board, department, commission, hospital, sanitarium, home, library, school, college, prison or other institution conducted or operated by or for the state of New Hampshire.

[I.]II. "Director" means the director of information technology management.

[II.]III. "Information technology" means the equipment [and], software *and services* used in electronic data processing and in [voice and data communications] *video and telecommunications*.

[III.]IV. "Information technology management" means the management of the equipment, software, *services*, personnel, budgets, and other resources involved in the operation of electronic data processing and voice and data communications.

3 Functions of Office of Information Technology Management. Amend RSA 21-I:67, I to read as follows:

I. Providing technical information technology consultation to any agency which requests it, including technical advice during the development or acquisition of information [systems] *technology*.

4 Functions of Office of Information Technology Management. Amend RSA 21-I:67, VII to read as follows:

VII. Providing training and educational programs to technicians and managers *and maintaining a current list of resources that may be used for further training or support. Such training or support shall be funded through the requesting agency's budget.*

5 Functions of Office of Information Technology Management. Amend RSA 21-I:67, XII to read as follows:

XII. Developing in concert with the director of plant and property management specifications for the procurement of [computer equipment and software] *information technology*.

6 Special Duties of Director of Information Technology Management. Amend RSA 21-I:69, III to read as follows:

III. Act as [chairman] *executive secretary* of the information technology management advisory board.

7 Information Technology Management Advisory Board. RSA 21-I:71, II is repealed and reenacted to read as follows:

II. The board shall consist of the following members:

- (a) The commissioner of employment security, or designee.
- (b) The commissioner of administrative services, or designee.
- (c) The commissioner of transportation, or designee.
- (d) The commissioner of health and human services, or designee.
- (e) The commissioner of safety, or designee.
- (f) The commissioner of revenue administration, or designee.
- (g) The chairperson of the liquor commission, or designee.
- (h) The commissioner of the department of environmental services, or designee.
- (i) The commissioner of the department of postsecondary technical education, or designee.
- (j) The legislative budget assistant, or designee.

8 New Paragraph; Advisory Board. Amend RSA 21-I:71 by inserting after paragraph II the following new paragraph:

III. The board shall elect a chairperson and a vice-chairperson.

9 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill amends the laws establishing the office of information technology management relative to:

- (1) Purchasing information technology.
- (2) The definition of information technology and information technology management.
- (3) The functions of the office.
- (4) The duties of the director.
- (5) The membership of the information technology management advisory board.

Adopted.

Report adopted and ordered to third reading.

**HB 61-FN**, consolidating and reorganizing the pari-mutuel commission and sweepstakes commission into the racing and lottery commission. RE-REFER TO COMMITTEE

Rep. Mary E. Brown for Executive Departments and Administration: This is one of the governor's reorganization bills intending to consolidate and reorganize the pari-mutuel commission and the sweepstakes commission into a racing and lottery commission to regulate horse and dog racing, sweepstakes, bingo and Lucky 7 tickets. The sponsor and the attorney general supported the bill but recommended strongly that the committee re-refer the bill because it is a complicated issue that needs a full study to conform to this changing industry in N.H. Restructuring these commissions for the maximum benefit to the state requires more time than the committee had available so we recommend re-refer. Vote 17-0.

Adopted.

**HB 230**, relative to the physical therapy practice act. OUGHT TO PASS WITH AMENDMENT

Rep. Lawrence A. Emerton, Sr. for Executive Departments and Administration: This bill came to us from the Health, Human Services and Elderly Affairs Committee. Two long, well attended subcommittee hearings, in which all interests were heard, gave a good overview of the details of this legislation. This bill now extends the licensees grace period to 60 days and removes naturopaths as patient referral consultants as part of the process. Vote 16-0.

#### Amendment (1957L)

Amend RSA 328-A:5, I as inserted by section 1 of the bill by replacing it with the following:

I. All licenses issued under this chapter shall expire on December 31 each year, unless previously suspended or revoked. All licensees shall file with the board a renewal application, accompanied by the renewal fee established by the board. A grace period of 60 days shall be allowed for filing a late renewal application. Applicants for late renewal shall pay double the renewal fee. An application for renewal of licensure after the expiration of the grace period shall be granted only upon the filing of a reinstatement application.

Amend RSA 328-A:10, I as inserted by section I of the bill by replacing it with the following:

I. A physical therapist I licensed under this chapter shall not practice physical therapy without a written prescription or referral from a person licensed to practice medicine, dentistry, podiatry, or chiropractic, or from a person licensed as a physician assistant or advanced registered nurse practitioner.

Amend RSA 328-A:10, III as inserted by section I of the bill by replacing it with the following:

III. Nothing in this chapter shall be construed as authorizing a licensed physical therapist to practice medicine, osteopathy, or chiropractic, or any other form or method of healing, except physical therapy. The use of roentgen rays and radium for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes including cauterization, shall not be authorized under the term "physical therapy" as used in this chapter.

Amend RSA 328-A:11, I as inserted by section I of the bill by replacing it with the following:

I. A person licensed under this chapter as a physical therapist II may evaluate and develop a working diagnosis for treatment by physical therapy without a referral, but shall obtain consultation with a person licensed to practice medicine, dentistry, podiatry, or chiropractic, or with a person licensed as a physician assistant or advanced registered nurse practitioner in order to continue treatment beyond 75 consecutive days. This consultation can be made by phone, fax, in writing or in person but does not necessitate a written referral. This consultation must be documented in the patient's medical record. For patients whose problem is outside the scope of physical therapy, or if at any time, a patient requires further medical evaluation or diagnostic testing, or if there is no documented improvement within 30 days of the initiation of treatment, the patient shall be appropriately referred to a physician, podiatrist, dentist, chiropractor, physician assistant or advanced registered nurse practitioner.

Adopted.

Rep. Holmes offered a floor amendment.

#### **Floor Amendment (2011L)**

Amend RSA 328-A:10, I as inserted by section I of the bill by replacing it with the following:

I. A physical therapist I licensed under this chapter shall not practice physical therapy without a written prescription or referral from a person licensed to practice medicine, dentistry, podiatry, chiropractic, or naturopathy, or from a person licensed as a physician assistant or advanced registered nurse practitioner.

Amend RSA 328-A:10, III as inserted by section I of the bill by replacing it with the following:

III. Nothing in this chapter shall be construed as authorizing a licensed physical therapist to practice medicine, osteopathy, chiropractic, naturopathy, or any other form or method of healing, except physical therapy. The use of roentgen rays and radium for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes including cauterization, shall not be authorized under the term "physical therapy" as used in this chapter.

Amend RSA 328-A:11, I as inserted by section I of the bill by replacing it with the following:

I. A person licensed under this chapter as a physical therapist II may evaluate and develop a working diagnosis for treatment by physical therapy without a referral, but shall obtain consultation with a person licensed to practice medicine, dentistry, podiatry, chiropractic, or naturopathy, or with a person licensed as a physician assistant or advanced registered nurse practitioner in order to continue treatment beyond 75 consecutive days. This consultation can be made by phone, fax, in writing or in person but does not necessitate a written referral. This consultation must be documented in the patient's medical record. For patients whose problem is outside the scope of physical therapy, or if at any time, a patient requires further medical evaluation or diagnostic testing, or if there is no documented improvement within 30 days of the initiation of treatment, the patient shall be appropriately referred to a physician, podiatrist, dentist, chiropractor, naturopath, physician assistant or advanced registered nurse practitioner.

Rep. Holmes spoke in favor and yielded to questions.

Rep. Carol Moore spoke in favor.

Rep. Emerton spoke against and yielded to questions.

On a division vote, 182 members having voted in the affirmative and 149 in the negative, the floor amendment was adopted.

Report adopted and ordered to third reading.

**HB 3-FN-A**, making supplemental appropriations for the fiscal year ending June 30, 1995, and relative to state revenues, payments, and fees. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Charles W. Ferguson for Finance: This supplemental appropriation bill is necessary to fulfill our obligations to medical providers under Health and Human Services and to property taxpayers regarding educational funding shortfalls. Vote 15-7.

#### Amendment (1943L)

Amend RSA 143:22-a as inserted by section 7 of the bill by replacing it with the following:  
143:22-a Shellfish Certificate Fees. The director, division of public health services, shall prescribe and collect fees for certificates for establishments which process or pack shellfish. Such fees shall be in accordance with rules adopted under RSA 541-A. All fees collected under this subdivision shall be forwarded to the state treasurer to be deposited in the general fund.

Amend the bill by replacing all after section 10 with the following:

11 Fees; Laboratory Services. Amend RSA 131:4 to read as follows:

131:4 Service; Reimbursements; Rulemaking. The director, division of public health services, department of health and human services, shall adopt rules pursuant to RSA 541-A relative to a list of laboratory services to be provided under this chapter and a schedule of fees for such services. The fees may be waived by the director when [he] *the director* determines it is in the best interests of the health of the public to do so. Fees shall not be charged for laboratory services provided under RSA 265 and RSA 611. *Fees collected under this section shall be forwarded to the state treasurer to be deposited in the general fund.*

12 Supplemental Appropriation; Department of Education. In addition to any other sums appropriated to the department of education for the fiscal year ending June 30, 1995, the sum of \$186,810 is appropriated to PAU 06, 03, 02, 04, 02, class 90 to make up a shortfall in school building aid, and sum of \$763,864 is appropriated to PAU 06, 03, 03, 06, 01, class 92 to make up a shortfall in catastrophic aid. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

13 Appropriation; Department of Agriculture. The sum of \$46,000 is appropriated to the department of agriculture for the fiscal year ending June 30, 1995, for the purpose of funding the animal population control program. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

14 Effective Date. This act shall take effect upon its passage.

Rep. Ferguson spoke in favor.

Adopted.

Report adopted and ordered to third reading.

**HB 56-FN-A**, relative to the interest and dividends tax and relative to certain credits against the business profits tax. **OUGHT TO PASS WITH AMENDMENT**

Rep. Neal M. Kurk for Finance: This bill changes the interest and dividends tax by eliminating the current exemption for interest and dividends paid by New Hampshire and Vermont banks. To compensate for this, personal exemptions are doubled from \$1200 to \$2400. As a result, over 9000 persons will no longer have to file returns; about 5000 of these are over 65. The changes are approximately revenue neutral for the state. The bill as amended also eliminates three credits against the business profits tax: the jobs credit, the capital investment credit, and the research and development credit. The Committee believes these credits do not do the job they were intended to do but rather provide a reward for actions that would have largely been undertaken anyway. Together, the elimination of the three credits will increase state revenues by \$2.3 million each year of the biennium. Vote 20-2.

#### Amendment (1872L)

Amend section 5 of the bill by inserting after paragraph IV the following and renumbering the original paragraphs V and VI to read as VI and VII respectively:

V. RSA 77-A:5, IX, relative to a research and development tax credit against the business profits tax.

Amend paragraph II of section 6 of the bill by replacing it with the following:

II. Paragraphs II, III, IV, and V of section 5 of this act shall take effect on July 1, 1995 and shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 1995.

In the case of any business organization which has elected a 52-53 week taxable period under section 441 (f) of the United States Internal Revenue Code and the fiscal year of which ends on the last day of the week nearest to June 30, 1995, the taxable period shall be deemed to have ended on June 30, 1995, for the purposes of this act.

### AMENDED ANALYSIS

This bill increases the exemption under the interest and dividends tax from \$1,200 to \$2,400 and removes the exemption for interest and dividend income payable by certain financial institutions to their depositors.

The bill also repeals the job creation, capital investment and research and development tax credits against the business profits tax.

Adopted.

Rep. Jacobson spoke against.

Rep. Kurk spoke in favor and yielded to questions.

Rep. Jacobson requested that the question be divided. The Speaker ruled that the question was divisible.

The question now being the adoption of Sections 2, 3 and 4 of the amended bill.

Rep. Jacobson requested a roll call; sufficiently seconded.

### YEAS 209 - NAYS 143

#### YEAS 209

#### BELKNAP

Bartlett, Gordon	Cain, Thomas	Golden, Paul	Holbrook, Robert
Lawton, David	Wendelboe, Francine	Ziegra, Alice	

#### CARROLL

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cooper, Kipp	Foster, Robert	Howard, Godfrey	Kenney, Joseph
Lyman, L. Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald

#### CHESHIRE

Delano, Robert	Hunt, John	Laurent, John	Lynch, Margaret
Manning, Joseph	McNamara, Wanda	Metzger, Katherine	Royce, H. Charles
Smith, Edwin	Steere, Myron, III		

#### COOS

Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton			

#### GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Brown, Channing	Ham, Bonnie	Hill, Richard	LaMott, Paul
Larson, Nils, Jr.	MacNeil, Allen	Nordgren, Sharon	Teschner, Douglass
Trelfa, Richard	Williams, William, Jr.		

#### HILLSBOROUGH

Aksten, Cheryl	Allen, W. Gordon	Alukonis, David	Amidon, Eleanor
Andrews, Frederick	Arnold, Thomas, Jr.	Belvin, William	Bridgewater, Charles
Brundige, Robert	Burke, M. Virginia	Calawa, Leon, Jr.	Cepaitis, Elizabeth
Chabot, Robert	Daniels, Gary	Desrosiers, William	Dodge, Emma
Durham, Susan	Dykstra, Leona	Emerton, Lawrence, Sr.	Feng, David
Ferguson, Charles	Fields, Dennis	Franks, Suzan	Gotham, Rita
Goulet, Maurice	Haettenschwiller, Alphonse	Hallyburton, Margaret	Hansen, Herbert
Hart, Nick	Herman, Keith	Holden, Carol	Holley, Sylvia
Holt, David	Jean, Loren	Kelley, Robert	Kirby, Thomas
Krochmal, Mark	Kurk, Neal	LaRose, Richard	Legacy, Earl
Letendre, Evelyn	Lozeau, DonnaLee	Luebker, Bernard	MacIntyre, Doris

Martin, Mary  
Melcher, Harold  
Morello, Michael  
Riley, Frances  
Soucy, Richard  
Wheeler, Robert

McCarthy, William  
Mercer, Robert  
O'Hearn, Jane  
Sallada, Roland  
Sullens, Joan  
White, Donald

McCarty, Winston  
Milligan, Robert  
Packard, Bonnie  
Sargent, Maxwell  
Taylor, Paul  
Worthen, Dorothy

McMahon, Donald  
Mittelman, David  
Pepino, Leo  
Searles, Stanley, Sr.  
Wells, Peter, Sr.  
Wright, George

### MERRIMACK

Adams, Stephen  
Chandler, Charles  
Feuerstein, Martin  
Lockwood, Robert  
Pfaff, Terence  
Weeks, John, Jr.

Barberia, Richard  
Chandler, Earle  
Hess, David  
MacKay, James  
Pitman, Mary Ellen  
Whalley, Michael

Brown, Mary  
Daneault, Gabriel  
Holmes, Mary  
Nichols, Avis  
Shaw, Randall  
Whittemore, James

Buessing, Marjorie  
DeStefano, Stephen  
Kennedy, Richard  
Patenaude, Amy  
Wallner, Mary Jane  
Willis, Jack

### ROCKINGHAM

Aranda, M. Kathryn  
Boucher, William  
Clark, Vivian  
Dolan, Richard  
Fesh, Robert  
Goddard, Warren  
Johnson, Robert  
Kobel, Rudolph  
Magoon, Harold  
Morris, Debbie  
Richards, David  
Sytek, Donna  
Weyler, Kenneth

Arndt, Janet  
Carson, Gregory  
Conroy, Janet  
Dube, LeRoy  
Flanders, John, Sr.  
Hawkins, Robert  
Katsakiores, George  
Langley, Jane  
McCarthy, John, Jr.  
Noyes, Richard  
Ross, James  
Sytek, John  
Yennaco, Carol

Attar, Kevin  
Case, Margaret  
Cote, Patricia  
Dunham, Vivian  
Gage, Beverly  
Hurst, Sharleene  
Katsakiores, Phyllis  
Lee, Rebecca  
McKinney, Betsy  
Pratt, Katharin  
Senter, Marilyn  
Vaughn, Charles

Battles, Marjorie  
Christie, Andrew, Jr.  
Crossman, Harold, Jr.  
Felch, Charles, Sr.  
Gargiulo, Louis  
Hutchinson, Karen  
Klemm, Arthur, Jr.  
Lovejoy, Marian  
Moore, Benjamin  
Putnam, Ed, II  
Stone, Joseph  
Weare, Everett

### STRAFFORD

Brown, Julie  
Knowles, William  
Sullivan, Henry  
Wasson, Richard

Douglass, Clyde  
McKinley, Robert  
Torr, Ann

Dunlap, Patricia  
Merritt, Deborah  
Torr, Franklin

Hanlon, Mark  
Spear, Barbara  
Vincent, Francis

### SULLIVAN

Adler, Rudolf  
Schotanus, Merle

Behrens, Thomas  
Stettenheim, Sandy

Krueger, Richard

Lindblade, Eric

### NAYS 143

### BELKNAP

Boriso, Thomas  
Rice, Thomas, Jr.

Johnson, James  
Smith, Linda

Laflam, Robert  
Thomas, John

Lawton, Robert

### CARROLL

Dickinson, Howard, Jr.

### CHESHIRE

Burnham, Daniel  
Doucette, Richard  
Pratt, Irene  
Wollner, Robert

Champagne, Richard  
Feuer, Joseph  
Richardson, Barbara

Cole, Stacey  
Kingsbury, H. Thayer  
Riley, William

DePecol, Benjamin  
McGuirk, Paul  
Russell, Ronald

### COOS

Bradley, Paula  
Mayhew, Josephine

Coulombe, Henry  
Mears, Edgar

Coulombe, Yvonne  
St. Hilaire, Paul

Hawkinson, Marie



**GRAFTON**

Cobbin, Philip  
Guest, Robert

Copenhaver, Marion  
Lovett, Sidney

Crory, Elizabeth  
Phinney, William

Guaraldi, Lawrence  
Tucker, John

**HILLSBOROUGH**

Ahern, Richard  
Boutin, David  
Clemons, Jane  
Dyer, Merton  
Hunter, Bruce  
L'Heureux, Robert  
Marcinkowski, Michael  
Pappas, Marc  
Showerman, Peter  
Toomey, Kathryn

Asselin, Robert  
Buckley, Raymond  
Dokmo, Cynthia  
Francoeur, Gary  
Hussey, Mary  
Laughlin, J. Francis  
McRae, Karen  
Perkins, Paul  
Soucy, Donna  
Turgeon, Roland

Barry, Janet  
Champagne, Norma  
Drabinowicz, A. Theresa  
Gibson, John  
Jean, Claudette  
Lefebvre, Roland  
Messier, Irene  
Peters, Stanley  
Streeter, Janice  
Wheeler, Craig

Bergeron, Normand  
Clegg, Robert, Jr.  
Dwyer, Paul, Sr.  
Hall, Betty  
Johnson, Lionel  
MacGillivray, Jeffrey  
O'Rourke, Joanne  
Reidy, Frank  
Thulander, O. Alan  
White, John

**MERRIMACK**

Coughlin, Anne  
Jacobson, Alf  
Morrill, Olive  
Trombly, Rick

Crosby, Toni  
Lamach, Bernard  
Newland, Matthew  
Varsalone, Robert

Dunn, Miriam  
Langer, Ray  
Owen, Derek  
Warner, Richard

Fraser, Marilyn  
Moore, Carol  
Rogers, Katherine  
Yeaton, Charles

**ROCKINGHAM**

Belanger, Ronald  
Coes, Betsy  
Kane, Cecelia  
Malcolm, Ken  
Rubin, George  
Splaine, James  
Welch, David

Bishop, Franklin  
Dodge, Robert  
Kelley, Jane  
McGovern, Cynthia  
Sabella, Norma  
Stritch, C. Donald

Camm, Kevin  
Flanders, David  
Kruse, Fred  
Packard, Sherman  
Scanlon, Edward  
Syracusa, Anthony

Clark, Martha  
Gorman, Donald  
Lupien, James  
Raynowska, Bernard  
Smith, Arthur  
Tufts, J. Arthur

**STRAFFORD**

Berube, Roger  
DeChane, Marlene  
Hilliard, Dana  
McCann, William, Jr.  
Snyder, Clair  
Williams, Howard

Brown, George  
Grassie, Anne  
Keans, Sandra  
Merrill, Amanda  
Tessimond, Shane

Callaghan, Frank  
Hambrick, Patricia  
Loder, Suzanne  
Pelletier, Arthur  
Torr, Ralph

Chagnon, Ronald  
Hemon, Roland  
Lundborn, Raymond  
Reynolds, Charles  
Wheeler, Katherine

**SULLIVAN**

Allison, David  
Whipple, Allen

Cloutier, John

Palmer, Lorraine

Peyron, Fredrik

and Sections 2, 3 and 4 of the amended bill were adopted.

The question now being the adoption of the remainder of the amended bill.

Rep. Ann Torr requested a roll call; sufficiently seconded.

**YEAS 215 - NAYS 135****YEAS 215****BELKNAP**

Bartlett, Gordon  
Lawton, David  
Ziegra, Alice

Cain, Thomas  
Lawton, Robert

Golden, Paul  
Smith, Linda

Holbrook, Robert  
Wendelboe, Francine

**CARROLL**

Babson, David, Jr.  
Cooper, Kipp  
Kenney, Joseph

Beach, Mildred  
Dickinson, Howard, Jr.  
Philbrick, Donald

Bradley, Jeb  
Foster, Robert

Chandler, Gene  
Howard, Godfrey

**CHESHIRE**

Cole, Stacey  
Lynch, Margaret  
Royce, H. Charles

Delano, Robert  
Manning, Joseph  
Smith, Edwin

Hunt, John  
McNamara, Wanda  
Steere, Myron, III

Laurent, John  
Metzger, Katherine

**COOS**

Davis, Perley  
Pratt, Leighton

Guay, Lawrence

Horton, Lynn

Merrill, Gerald

**GRAFTON**

Adams, Carl  
Brown, Channing  
LaMott, Paul  
Trelfa, Richard

Bean, Pamela  
Guaraldi, Lawrence  
Larson, Nils, Jr.  
Williams, William, Jr.

Below, Clifton  
Ham, Bonnie  
MacNeil, Allen

Brown, Alson  
Hill, Richard  
Teschner, Douglass

**HILLSBOROUGH**

Aksten, Cheryl  
Andrews, Frederick  
Brundige, Robert  
Chabot, Robert  
Dodge, Emma  
Ferguson, Charles  
Haettenschwiller, Alphonse  
Herman, Keith  
Jean, Loren  
Kurk, Neal  
Lozeau, Donnalee  
McCarty, Winston  
Messier, Irene  
O'Hearn, Jane  
Riley, Frances  
Soucy, Richard  
Wells, Peter, Sr.

Allen, W. Gordon  
Arnold, Thomas, Jr.  
Burke, M. Virginia  
Champagne, Norma  
Durham, Susan  
Fields, Dennis  
Hallyburton, Margaret  
Holden, Carol  
Kelley, Robert  
LaRose, Richard  
Luebker, Bernard  
McMahon, Donald  
Milligan, Robert  
Packard, Bonnie  
Sallada, Roland  
Streeter, Janice  
Wheeler, Robert

Alukonis, David  
Belvin, William  
Calawa, Leon, Jr.  
Daniels, Gary  
Dykstra, Leona  
Franks, Suzan  
Hansen, Herbert  
Holley, Sylvia  
Kirby, Thomas  
Legacy, Earl  
MacIntyre, Doris  
Melcher, Harold  
Mittelman, David  
Pappas, Marc  
Sargent, Maxwell  
Sullens, Joan  
Worthen, Dorothy

Amidon, Eleanor  
Bridgewater, Charles  
Cepaitis, Elizabeth  
Desrosiers, William  
Feng, David  
Goulet, Maurice  
Hart, Nick  
Holt, David  
Krochmal, Mark  
Letendre, Evelyn  
Martin, Mary  
Mercer, Robert  
Morello, Michael  
Pepino, Leo  
Searles, Stanley, Sr.  
Taylor, Paul  
Wright, George

**MERRIMACK**

Adams, Stephen  
Chandler, Charles  
Feuerstein, Martin  
Lamach, Bernard  
Nichols, Avis  
Weeks, John, Jr.

Barberia, Richard  
Chandler, Earle  
Hess, David  
Lockwood, Robert  
Patenaude, Amy  
Whalley, Michael

Brown, Mary  
Daneault, Gabriel  
Holmes, Mary  
MacKay, James  
Pfaff, Terence  
Whittemore, James

Buessing, Marjorie  
DeStefano, Stephen  
Kennedy, Richard  
Moore, Carol  
Shaw, Randall  
Willis, Jack

**ROCKINGHAM**

Aranda, M. Kathryn  
Carson, Gregory  
Cote, Patricia  
Dube, LeRoy  
Flanders, John, Sr.  
Hawkins, Robert  
Katsakiores, George  
Langley, Jane  
Magoon, Harold  
Morris, Debbie  
Putnam, Ed, II  
Senter, Marilyn  
Tufts, J. Arthur  
Weyler, Kenneth

Attar, Kevin  
Case, Margaret  
Crossman, Harold, Jr.  
Dunham, Vivian  
Gage, Beverly  
Hurst, Sharleene  
Katsakiores, Phyllis  
Lee, Rebecca  
McCarthy, John, Jr.  
Noyes, Richard  
Richards, David  
Stone, Joseph  
Vaughn, Charles  
Yennaco, Carol

Battles, Marjorie  
Christie, Andrew, Jr.  
Dodge, Robert  
Felch, Charles, Sr.  
Gargiulo, Louis  
Hutchinson, Karen  
Klemm, Arthur, Jr.  
Lovejoy, Marian  
McKinney, Betsy  
Packard, Sherman  
Ross, James  
Sytek, Donna  
Weare, Everett

Boucher, William  
Clark, Vivian  
Dolan, Richard  
Fesh, Robert  
Goddard, Warren  
Johnson, Robert  
Kobel, Rudolph  
Lupien, James  
Moore, Benjamin  
Pratt, Katharin  
Scanlon, Edward  
Sytek, John  
Welch, David

**STRAFFORD**

Brown, Julie  
 Hanlon, Mark  
 Spear, Barbara  
 Vincent, Francis

Chagnon, Ronald  
 Keans, Sandra  
 Sullivan, Henry  
 Wasson, Richard

Douglass, Clyde  
 Knowles, William  
 Torr, Ann

Dunlap, Patricia  
 McKinley, Robert  
 Torr, Franklin

**SULLIVAN**

Adler, Rudolf  
 Peyron, Fredrik

Behrens, Thomas  
 Schotanus, Merle

Krueger, Richard

Lindblade, Eric

**NAYS 135****BELKNAP**

Boriso, Thomas  
 Thomas, John

Johnson, James

Laffam, Robert

Rice, Thomas, Jr.

**CARROLL**

Lyman, L. Randy

Mock, Henry

Patten, Betsey

**CHESHIRE**

Burnham, Daniel  
 Feuer, Joseph  
 Richardson, Barbara

Champagne, Richard  
 Kingsbury, H. Thayer  
 Riley, William

DePecol, Benjamin  
 McGuirk, Paul  
 Russell, Ronald

Doucette, Richard  
 Pratt, Irene  
 Wollner, Robert

**COOS**

Bradley, Paula  
 Mayhew, Josephine

Coulombe, Henry  
 Mears, Edgar

Coulombe, Yvonne  
 St. Hilaire, Paul

Hawkinson, Marie

**GRAFTON**

Cobbin, Philip  
 Lovett, Sidney

Copenhaver, Marion  
 Nordgren, Sharon

Crory, Elizabeth  
 Phinney, William

Guest, Robert  
 Tucker, John

**HILLSBOROUGH**

Ahern, Richard  
 Boutin, David  
 Dokmo, Cynthia  
 Francoeur, Gary  
 Hunter, Bruce  
 L'Heureux, Robert  
 Marcinkowski, Michael  
 Perkins, Paul  
 Soucy, Donna  
 Wheeler, Craig

Asselin, Robert  
 Buckley, Raymond  
 Drabinowicz, A. Theresa  
 Gibson, John  
 Hussey, Mary  
 Laughlin, J. Francis  
 McCarthy, William  
 Peters, Stanley  
 Thulander, O. Alan  
 White, Donald

Barry, Janet  
 Clegg, Robert, Jr.  
 Dwyer, Paul, Sr.  
 Gotham, Rita  
 Jean, Claudette  
 Lefebvre, Roland  
 McRae, Karen  
 Reidy, Frank  
 Toomey, Kathryn  
 White, John

Bergeron, Normand  
 Clemons, Jane  
 Dyer, Merton  
 Hall, Betty  
 Johnson, Lionel  
 MacGillivray, Jeffrey  
 O'Rourke, Joanne  
 Showerman, Peter  
 Turgeon, Roland

**MERRIMACK**

Coughlin, Anne  
 Jacobson, Alf  
 Owen, Derek  
 Varsalone, Robert

Crosby, Toni  
 Langer, Ray  
 Pitman, Mary Ellen  
 Wallner, Mary Jane

Dunn, Miriam  
 Morrill, Olive  
 Rogers, Katherine  
 Warner, Richard

Fraser, Marilyn  
 Newland, Matthew  
 Trombly, Rick  
 Yeaton, Charles

**ROCKINGHAM**

Arndt, Janet  
 Clark, Martha  
 Kane, Cecelia  
 McGovern, Cynthia  
 Smith, Arthur

Belanger, Ronald  
 Coes, Betsy  
 Kelley, Jane  
 Raynowska, Bernard  
 Splaine, James

Bishop, Franklin  
 Flanders, David  
 Kruse, Fred  
 Rubin, George  
 Stritch, C. Donald

Camm, Kevin  
 Gorman, Donald  
 Malcolm, Ken  
 Sabella, Norma  
 Syracuse, Anthony

**STRAFFORD**

Berube, Roger  
 Grassie, Anne

Brown, George  
 Hambrick, Patricia

Callaghan, Frank  
 Hemon, Roland

DeChane, Marlene  
 Hilliard, Dana

Loder, Suzanne  
Merritt, Deborah  
Tessimond, Shane

Lundborn, Raymond  
Pelletier, Arthur  
Torr, Ralph

McCann, William, Jr.  
Reynolds, Charles  
Wheeler, Katherine

Merrill, Amanda  
Snyder, Clair  
Williams, Howard

### SULLIVAN

Allison, David  
Whipple, Allen

Cloutier, John

Palmer, Lorraine

Stettenheim, Sandy

and the remainder of the amended bill was adopted.

Ordered to third reading.

Rep. John Chandler declared a conflict of interest and did not participate.

**HB 211-L**, changing the school foundation aid distribution formula, and providing for sweepstakes powerball revenue to be used for state aid to education. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gerald P. Merrill for Finance: This bill revises the foundation aid distribution formula effective in FY 97. The original Section 6 and the original Section 7 have been removed from the bill. Vote 21-0.

### Amendment (1875L)

Amend the bill by replacing sections 6 and 7 with the following:

6 New Subparagraph; Participation in National or Multi-State Lotteries. Amend RSA 284:21-j, I by inserting after subparagraph (c) the following new subparagraph:

(d) To participate in any national or multi-state pure lotteries conducted in the United States.

7 New Section; Powerball Revenue; Distribution; State Aid to Education. Amend RSA 284 by inserting after section 21-jj the following new section:

284:21-jjj Powerball Revenue. Revenues from the sweepstakes powerball game, less expenses attributable to the administration of such game paid pursuant to RSA 284:21-j, shall be deposited into the special fund under RSA 284:21-j to be disbursed to local school districts as foundation aid under RSA 198:27-33.

Amend the bill by replacing section 9 with the following:

9 Effective Date.

I. Sections 6 and 7 of this act shall take effect July 1, 1995.

II. The remainder of this act shall take effect July 1, 1997.

### AMENDED ANALYSIS

This bill revises the foundation aid distribution formula and changes definitions and board duties accordingly. It also provides for sweepstakes powerball to be used for state aid to education.

Adopted.

Rep. Larson yielded to questions.

### SPECIAL ORDER

Rep. Merritt moved that **HB 211**, changing the school foundation aid distribution formula, and providing for sweepstakes powerball revenue to be used for state aid to education, be made a Special Order for Thursday, April 6, 1995 and spoke in favor.

Reps. Trombly and Ann Torr spoke in favor.

On a division vote, 282 members having voted in the affirmative and 70 in the negative, the motion was adopted.

### REGULAR CALENDAR (Cont'd.)

**HB 332-FN-A**, providing for certain services for the developmentally disabled and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Earle W. Chandler for Finance: The committee voted an amended bill to provide \$2,300,000 in 1996 and 1997, funding to be matched by federal funds, to provide services to developmentally disabled persons who are on waiting lists in area agencies. The original bill called for \$4,400,000 in 1996 and \$6,100,000 in 1997. Vote 19-2.

**Amendment (1914L)**

Amend the bill by replacing section 3 with the following:

3 Appropriation. The sum of \$2,300,000 for the fiscal year ending June 30, 1996 and the sum of \$2,300,000 for the fiscal year ending June 30, 1997, are hereby appropriated to the division of mental health and developmental services, department of health and human services, to be deposited into the account, established in section 2 of this act, for the purposes of providing services to developmentally disabled persons who are wait listed; provided that such funds are to be matched by federal funds before becoming available. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

Adopted.

Report adopted and ordered to third reading.

**HB 650-FN-A**, concerning youth access to tobacco and making an appropriation therefor.  
**INEXPEDIENT TO LEGISLATE**

Rep. Paul I. LaMott for Finance: The intent of this legislation is the prevention of illegal sales and distribution of tobacco products to minors. Indeed, the concepts of this act are lofty and noble. The majority of the committee believes that legislators ardently want to prevent minors from becoming addicted to nicotine products. Nonetheless, this bill is flawed in several respects: (1) It restricts legitimate trade in that vending machines must be equipped with a lock-out device which prevents the machine from being operated until the person responsible for sales disables the lock. However, locking devices are not required on machines located in areas to which minors are denied access. (2) In order to access an additional \$4 million in uncertain federal grants, the act adds additional fines and penalties to those already on the books. Chapter 78, Tobacco Tax Law RSA 78:12-B V has a mechanism in place for rules to enforce and administer the law. (3) It increases the fines and fees in place to pay for two people, one in Liquor for enforcement, and one in Revenue Administration to help with hearings. Also, it establishes a dedicated fund from the accounting of revenues. (4) Lastly, it suggests the use of sting operations — possibly with minors — to entrap unsuspecting market clerks and mom and pop grocery owners. Vote 13-9.

Rep. Channing Brown moved Re-commit to Committee, spoke in favor and yielded to questions.

Rep. Vaughn spoke in favor.

Rep. LaMott spoke against.

Rep. LaMott requested a roll call; not sufficiently seconded.

On a division vote, 230 members having voted in the affirmative and 112 in the negative, the motion was adopted.

Rep. Klemm declared a conflict of interest and did not participate.

**HB 60-FN**, relative to health care and pertaining to certificate of need requirements, the health care transition fund, the children's health plan, participation in the medicaid health insurance program, primary preventive health services, and medicaid and disability coverage, and repealing certain programs. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Reps. Eleanor Amidon, Alson W. Brown, Margaret A. Case, Robert F. Chabot, Mary C. Holmes, Michael Morello, Katharin K. Pratt, Maxwell D. Sargent, Merilyn P. Senter, Joan C. Sullens, Richard G. Warner, Francine Wendelboe, Alice S. Ziegra, Robert W. Foster for the Majority of Health, Human Services and Elderly Affairs: This bill redefines and restructures the purpose and use of the Health Care Transition Fund. The original purpose is no longer a viable strategy due to the lack of Congressional action at the Federal level to address health care reform, and the lack of State resources, without the Federal plan, to follow through with programs once the Fund is depleted. HB 60-FN, using only the interest of the Fund, will preserve it in perpetuity. This bill makes the best use of funds, prioritizing health care services in a responsible manner. House Bill 60-FN encourages community based health care initiatives in concert with the Department of Health and Human Services through the Community Grant Programs. The funding of primary preventive health services in the 1994 legislation will continue as well the Medicaid coverage for pregnant women and children. In the changing health care environment, the majority of the committee feels that House Bill 60-FN addresses health care with a positive approach. Vote 14-7.

Reps. Katherine Wells Wheeler, Marion L. Copenhaver, Alphonse A. Haettenschwiller, Cecelia D. Kane, Carol F. Moore, H. Thayer Kingsbury for the Minority of Health, Human Services and Elderly Affairs: HB 60-FN is a very far reaching bill which completely changes the nature of the governor's health care plan passed by the legislature last year. Health care initiatives which were overwhelmingly supported in 1994 are now being repealed, without due consideration by the HHS & EA Committee. Our committee did not meet to discuss this bill from the time of the hearing until the executive session vote, nor was it assigned to a subcommittee! The minority of the committee finds it inappropriate to create an endowment fund from Medicaid money intended for health care services for the Medicaid eligible at the same time that health care services to the low-income are being eliminated. This bill also mandates Medicare certification for nursing homes and closes the CON leeway provision, which we had no time to discuss!

A quorum call was requested. The Speaker declared a quorum present.

Reps. Manning and Trombly spoke against.

Rep. Sargent spoke in favor.

Rep. Copenhaver spoke against and yielded to questions.

Rep. Robert Foster spoke in favor and yielded to questions.

Rep. Bean requested a roll call; sufficiently seconded. The question being the adoption of the Majority report.

## YEAS 227 - NAYS 120

### YEAS 227

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Cain, Thomas	Golden, Paul
Holbrook, Robert	Johnson, James	Laflam, Robert	Lawton, David
Rosen, Ralph	Smith, Linda	Thomas, John	Wendelboe, Francine
Ziegler, Alice			

#### CARROLL

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cooper, Kipp	Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph
Lyman, L. Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald

#### CHESHIRE

Avery, Stephen	Cole, Stacey	Delano, Robert	Feuer, Joseph
Hunt, John	Laurent, John	McNamara, Wanda	Metzger, Katherine
Smith, Edwin	Steere, Myron, III		

#### COOS

Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	St. Hilaire, Paul		

#### GRAFTON

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Cobbin, Philip	Guaraldi, Lawrence	Hill, Richard	Larson, Nils, Jr.
MacNeil, Allen	Teschner, Douglass	Trelfa, Richard	Tucker, John
Williams, William, Jr.			

#### HILLSBOROUGH

Aksten, Cheryl	Alukonis, David	Amidon, Eleanor	Andrews, Frederick
Arnold, Thomas, Jr.	Barry, Janet	Belvin, William	Boutin, David
Bridgewater, Charles	Burke, M. Virginia	Calawa, Leon, Jr.	Cepaitis, Elizabeth
Chabot, Robert	Clegg, Robert, Jr.	Daniels, Gary	Desrosiers, William
Dodge, Emma	Dokmo, Cynthia	Durham, Susan	Dyer, Merton
Dykstra, Leona	Emerton, Lawrence, Sr.	Ferguson, Charles	Fields, Dennis
Francœur, Gary	Franks, Susan	Gagnon, Eugene	Gibson, John
Gotham, Rita	Goulet, Maurice	Hallyburton, Margaret	Hansen, Herbert
Hart, Nick	Herman, Keith	Holden, Carol	Holley, Sylvia
Holt, David	Hunter, Bruce	Jean, Loren	Kelley, Robert
Krochmal, Mark	Kurk, Neal	LaRose, Richard	Legacy, Earl

Letendre, Evelyn  
MacIntyre, Doris  
McRae, Karen  
Mittelman, David  
Pappas, Marc  
Sargent, Maxwell  
Taylor, Paul  
Wright, George

Lozeau, Donnalee  
Marcinkowski, Michael  
Mercer, Robert  
Morello, Michael  
Peters, Stanley  
Searles, Stanley, Sr.  
Thulander, O. Alan

Luebker, Bernard  
McCarty, Winston  
Messier, Irene  
O'Hearn, Jane  
Riley, Frances  
Showerman, Peter  
White, Donald

MacGillivray, Jeffrey  
McMahon, Donald  
Milligan, Robert  
Packard, Bonnie  
Sallada, Roland  
Sullens, Joan  
Worthen, Dorothy

### MERRIMACK

Adams, Stephen  
Chandler, Earle  
Holmes, Mary  
Lockwood, Robert  
Pitman, Mary Ellen  
Whalley, Michael

Barberia, Richard  
Chandler, John  
Kennedy, Richard  
Nichols, Avis  
Shaw, Randall  
Whittemore, James

Brown, Mary  
Feuerstein, Martin  
Langer, Ray  
Patenauade, Amy  
Warner, Richard  
Willis, Jack

Buessing, Marjorie  
Hess, David  
Little, Michael  
Pfaff, Terence  
Weeks, John, Jr.

### ROCKINGHAM

Attar, Kevin  
Camm, Kevin  
Clark, Vivian  
Dodge, Robert  
Dunham, Vivian  
Flanders, John, Sr.  
Gorman, Donald  
Katsakiores, George  
Kruse, Fred  
Magoon, Harold  
Morris, Debbie  
Putnam, Ed, II  
Rubin, George  
Smith, Arthur  
Sytek, John  
Weyler, Kenneth

Beaulieu, Jon  
Carson, Gregory  
Conroy, Janet  
Dolan, Richard  
Felch, Charles, Sr.  
Gage, Beverly  
Hawkins, Robert  
Katsakiores, Phyllis  
Lee, Rebecca  
Malcolm, Ken  
Noyes, Richard  
Raynowska, Bernard  
Scanlon, Edward  
Stone, Joseph  
Tufts, J. Arthur  
Yennaco, Carol

Belanger, Ronald  
Case, Margaret  
Cote, Patricia  
Dowling, Patricia  
Fesh, Robert  
Gargiulo, Louis  
Hurst, Sharleene  
Klemm, Arthur, Jr.  
Lovejoy, Marian  
McCarthy, John, Jr.  
Packard, Sherman  
Richards, David  
Senter, Merilyn  
Stritch, C. Donald  
Weare, Everett

Boucher, William  
Christie, Andrew, Jr.  
Crossman, Harold, Jr.  
Dube, LeRoy  
Flanders, David  
Goddard, Warren  
Johnson, Robert  
Kobel, Rudolph  
Lupien, James  
McKinney, Betsy  
Pratt, Katharin  
Ross, James  
Simmons, John Anthony  
Sytek, Donna  
Welch, David

### STRAFFORD

Douglass, Clyde  
Spear, Barbara  
Wasson, Richard

Hanlon, Mark  
Torr, Ann

McKinley, Robert  
Torr, Franklin

Reynolds, Charles  
Torr, Ralph

### SULLIVAN

Adler, Rudolf  
Peyron, Fredrik

Behrens, Thomas  
Schotanus, Merle

Krueger, Richard

Lindblade, Eric

### NAYS 120

### BELKNAP

None

### CARROLL

None

### CHESHIRE

Burnham, Daniel  
Kingsbury, H. Thayer  
Pratt, Irene  
Russell, Ronald

Champagne, Richard  
Lynch, Margaret  
Richardson, Barbara  
Wollner, Robert

DePecol, Benjamin  
Manning, Joseph  
Riley, William

Doucette, Richard  
McGuirk, Paul  
Royce, H. Charles

### COOS

Bradley, Paula  
Mayhew, Josephine

Coulombe, Henry  
Mears, Edgar

Coulombe, Yvonne

Hawkinson, Marie

**GRAFTON**

Below, Clifton  
Ham, Bonnie

Copenhaver, Marion  
Lovett, Sidney

Crory, Elizabeth  
Nordgren, Sharon

Guest, Robert  
Phinney, William

**HILLSBOROUGH**

Ahern, Richard  
Brundige, Robert  
Drabinowicz, A. Theresa  
Hall, Betty  
Kirby, Thomas  
McCarthy, William  
Reidy, Frank  
Toomey, Kathryn

Allen, W. Gordon  
Buckley, Raymond  
Dwyer, Paul, Sr.  
Hussey, Mary  
L'Heureux, Robert  
Melcher, Harold  
Soucy, Donna  
Turgeon, Roland

Asselin, Robert  
Champagne, Norma  
Foster, Linda  
Jean, Claudette  
Laughlin, J. Francis  
O'Rourke, Joanne  
Soucy, Richard  
Wheeler, Robert

Bergeron, Normand  
Clemens, Jane  
Haettenschwiller, Alphonse  
Johnson, Lionel  
Martin, Mary  
Perkins, Paul  
Streeter, Janice  
White, John

**MERRIMACK**

Chandler, Charles  
DeStefano, Stephen  
Lamach, Bernard  
Newland, Matthew  
Wallner, Mary Jane

Coughlin, Anne  
Dunn, Miriam  
MacKay, James  
Owen, Derek  
Yeaton, Charles

Crosby, Toni  
Fraser, Marilyn  
Moore, Carol  
Rogers, Katherine

Daneault, Gabriel  
Jacobson, Alf  
Morrill, Olive  
Trombly, Rick

**ROCKINGHAM**

Aranda, M. Kathryn  
Hutchinson, Karen  
McGovern, Cynthia  
Vaughn, Charles

Bishop, Franklin  
Kane, Cecelia  
Sabella, Norma

Clark, Martha  
Kelley, Jane  
Splaine, James

Coes, Betsy  
Langley, Jane  
Syracusa, Anthony

**STRAFFORD**

Berube, Roger  
DeChane, Marlene  
Hemon, Roland  
Loder, Suzanne  
Merritt, Deborah  
Tessimond, Shane  
Williams, Howard

Brown, George  
Dunlap, Patricia  
Hilliard, Dana  
Lundborn, Raymond  
Pelletier, Arthur  
Vincent, Francis

Callaghan, Frank  
Grassie, Anne  
Keans, Sandra  
McCann, William, Jr.  
Snyder, Clair  
Wheeler, Katherine

Chagnon, Ronald  
Hambrick, Patricia  
Knowles, William  
Merrill, Amanda  
Sullivan, Henry

**SULLIVAN**

Allison, David  
Whipple, Allen

Cloutier, John

Palmer, Lorraine

Stettenheim, Sandy

and the report was adopted.

Rep. Robert Foster notified the Clerk that his voting station malfunctioned and his yeas vote was not recorded.

Referred to Finance.

**HB 59-FN-L**, relative to children's services and pertaining to delinquent children, abused and neglected children, children in need of services, and financial responsibility for certain expenses. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert A. Lockwood for Judiciary and Family Law: As amended, this bill addresses several of the administration's objectives. First, it makes additional financial resources available to the state by requiring parents of minors to assign available health insurance coverages to the state to pay for services provided by the state. Second, it substantially reduces the involvement of lawyers in all juvenile proceedings, emphasizing instead the use of volunteer guardians-ad-litem. Third, it creates a dispositional review division utilizing current district court personnel to provide accountability for all orders for juvenile services, and gives the division for children, youth and families a forum to challenge orders they deem unreasonable in cost or scope. The bill also authorizes the Judiciary and Family Law committee to study the issues related to privatization of the Youth Development Center and the Youth Services Center (Tobey School)



with a report due out by October 1st. The amendments to HB 59-FN-L were crafted from the original 52-page bill. This committee amendment is not intended to be a final draft. The committee will continue working on the bill and, expects to offer a committee floor amendment for the house's consideration. Vote 16-2.

### Amendment (1986L)

Amend the bill by replacing all after the enacting clause with the following:

1 State's Right of Action for Expenses. Amend RSA 169-B:40, I(c) to read as follows:

(c) The state shall have a right of action over for such expenses against the parents or the people chargeable by law for the minor's support and necessities *and the right to require parents or other people chargeable by law for the minor's support and necessities to assign to the state any insurance coverage that may be available to pay for all or a portion of the services provided.* The court shall require the individual chargeable by law for the minor's support and necessities to submit a financial statement to the court upon which the court may make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay. Such financial statement shall include, but not be limited to, any benefits received from the Social Security Administration or insurance coverage available to the individual. The court shall include disposition of these benefits in its order as to reimbursement. Such reimbursement shall be established on a per month or per week basis and shall continue for a duration of time equal to the duration of time in which expenses are incurred on behalf of the minor by the state. The court's jurisdiction to order reimbursement shall continue until the obligation to reimburse has been fulfilled.

2 Appointment of Attorney or Guardian Ad Litem. Amend RSA 169-C:10 to read as follows: 169-C:10 Attorney.

*I. In cases involving a neglected or abused child under this chapter, an attorney for the child [shall] may be provided. In any case of neglect or abuse, the court shall appoint an attorney to represent indigent parents.*

*II. In cases brought pursuant to this chapter involving a neglected or abused child, the court shall appoint a guardian ad litem or Court Appointed Special Advocate (CASA) guardian ad litem for the child. The court shall not appoint an attorney for any guardian ad litem appointed for the child, but may appoint an attorney or any other qualified individual as the guardian ad litem for the child. The CASA guardian ad litem shall have the same authority and access to information as any other guardian ad litem.*

*III. The New Hampshire supreme court shall adopt rules regarding the duties and responsibilities of the CASA guardian ad litem or other guardian ad litem appointed for a child.*

3 State's Right of Action for Expenses. Amend RSA 169-C:27, I(c) to read as follows:

(c) The state shall have a right of action over for such expenses against the parents or the [person] *people* chargeable by law for the child's support and necessities *and the right to require parents or other people chargeable by law for the minor's support and necessities to assign to the state any insurance coverage that may be available to pay for all or a portion of the services provided.* The court shall require the individual chargeable by law for the child's support and necessities to submit a financial statement to the court upon which the court may make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay. Such financial statement shall include, but not be limited to, any benefits received from the Social Security Administration or insurance coverage available to the individual. The court shall include disposition of these benefits in its order as to reimbursement. Such reimbursement shall be established on a per month or per week basis and shall continue for a duration of time equal to the duration of time in which expenses are incurred on behalf of the child by the state. The court's jurisdiction to order reimbursement shall continue until the obligation to reimburse has been fulfilled.

4 State's Right of Action for Expenses. Amend RSA 169-D:29, I(c) to read as follows:

(c) The state shall have a right of action over for such expenses against the parents or the [person] *people* chargeable by law for the child's support and necessities *and the right to require parents or other people chargeable by law for the minor's support and necessities to assign to the state any insurance coverage that may be available to pay for all or a portion of the services provided.* The court shall require the individual chargeable by law for the child's

support and necessities to submit a financial statement to the court upon which the court may make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay. Such financial statement shall include, but not be limited to, any benefits received from the Social Security Administration or insurance coverage available to the individual. The court shall include disposition of these benefits in its order as to reimbursement. Such reimbursement shall be established on a per month or per week basis and shall continue for a duration of time equal to the duration of time in which expenses are incurred on behalf of the child by the state. The court's jurisdiction to order reimbursement shall continue until the obligation to reimburse has been fulfilled.

5 New Chapter; Review of Dispositional Orders in Juvenile Cases. Amend RSA by inserting after chapter 169-F the following new chapter:

#### CHAPTER 169-G

#### REVIEW OF DISPOSITIONAL ORDERS IN JUVENILE CASES

169-G:1 Review Division. The administrative justice of the district court shall appoint 5 district court justices to constitute a board of 3 members and 2 alternates to act as a review division of the district court and shall designate one of these judges as division chairperson. The term shall be for 5 years. The division shall meet at such times and places as its business requires, as determined by the chairperson. The decision of 2 members is sufficient to determine any matter before the review division. No member may sit or act on a review of a dispositional order issued by such member or another justice sitting in the same district court. If the review to be acted on by the division is a review of a dispositional order issued by a member serving on the review division or another justice sitting in the same district court, or if it is inexpedient for a member to attend at the time for which a meeting is called, the division chairperson shall notify one of the alternates to sit in place of the absent or disqualified member. The review division may appoint a secretary-clerk, whose compensation shall be fixed by the review division and paid by the state. As used in this chapter "dispositional order" means an order issued pursuant to RSA 169-B:19, RSA 169-C:19 or RSA 169-D:17 or any review, modification, or amendments to said order.

##### 169-G:2 Application for Review.

I. The division may file with the clerk of the district court where the dispositional order was issued an application for review of the order by the review division. The application shall be filed within 7 days after the date of the dispositional order, but not thereafter except for good cause shown. The filing of an application for review shall stay the implementation of the dispositional order.

II. Upon issuance of the dispositional order, the clerk shall give oral and written notice to the division of its right to make such a request. A form for making the application shall accompany the notice. If an application is filed, the clerk shall forthwith transmit it to the review division and shall notify the administrative justice and judge who issued the dispositional order of the filing.

III. The judge who issued the dispositional order may transmit to the review division a statement of the reasons for the dispositional order and shall transmit such a statement within 7 days if requested to do so by the review division.

##### 169-G:3 Review Procedure.

I. The review division has jurisdiction to consider a request for review with or without a hearing; to review the dispositional order disapproving the family service plan presented by the division; to amend the dispositional order by substituting therefor a different appropriate order or orders; or to make any other disposition of the case.

II. The review division may require the production of any records, documents, exhibits, or other things connected with the proceedings. The district court shall by rule establish forms for review under this chapter and may by rule make such other regulations of procedure relative to such review, consistent with law, as justice requires.

III. The decision of the review division shall be rendered within 21 days from the date of receipt of the application for review.

169-G:4 Amendment of Dispositional Orders. If the dispositional order is amended by an order substituting a different order or disposition of the case, the review division shall make any other disposition of the case in accordance with the order of the review division.

169-G:5 Records. The secretary-clerk shall attend all sittings of the review division; shall record all appointments to the division, notifying the clerks of the district courts of such appointments; and shall record the proceedings of the division.

6 Quarterly Reports. The director of the division for children, youth and families shall make quarterly reports to the house committee on judiciary and family law containing statistical analysis on the use of RSA 169-D and voluntary service programs. The first report shall be due October 1, 1995.

7 Study Committee Established.

I. There is established a committee whose membership shall consist of the house committee on judiciary and family law to study issues relating to privatizing the youth development center and the youth services center, and closing the Tobey School.

II. The committee shall report its findings and any recommendations for proposed legislation to the governor, the senate president, the speaker of the house, the senate clerk, the house clerk, and the state library on or before October 1, 1995.

8 Repeal. RSA 169-C:10-a, relative to guardians ad litem, is repealed.

9 Effective Date. This act shall take effect July 1, 1995.

Rep. Lockwood spoke against.

The amendment failed.

The Committee offered a floor amendment.

### Floor Amendment (2026L)

Amend the bill by replacing all after the enacting clause with the following:

1 State's Right of Action for Expenses. Amend RSA 169-B:40, 1(c) to read as follows:

(c) The state shall have a right of action over for such expenses against the parents or the people chargeable by law for the minor's support and necessities *and the right to require parents or other people chargeable by law for the minor's support and necessities to assign to the state any insurance coverage that may be available to pay for all or a portion of the services provided*. The court shall require the individual chargeable by law for the minor's support and necessities to submit a financial statement to the court upon which the court may make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay. Such financial statement shall include, but not be limited to, any benefits received from the Social Security Administration or insurance coverage available to the individual. The court shall include disposition of these benefits in its order as to reimbursement. Such reimbursement shall be established on a per month or per week basis and shall continue for a duration of time equal to the duration of time in which expenses are incurred on behalf of the minor by the state. The court's jurisdiction to order reimbursement shall continue until the obligation to reimburse has been fulfilled.

2 Consent Orders. Amend RSA 169-C:17, II to read as follows:

II. A consent order shall not be approved unless *the division consents and* the child and parents, guardian or custodian are informed of the consequences of the order by the court and the court determines that the child and parents voluntarily and intelligently [agreed] *consent* to the terms and conditions of the order.

3 Appointment of Attorney or Guardian Ad Litem. RSA 169-C:10 is repealed and reenacted to read as follows:

169-C:10 Attorneys and Guardians Ad Litem.

I. In cases involving a neglected or abused child under this chapter, where the child's expressed interests conflict with the findings of the guardian ad litem, the court may appoint an attorney to represent the interests of the child. In any case of neglect or abuse brought pursuant to this chapter, the court shall appoint an attorney to represent an indigent parent alleged to have neglected or abused his or her child. In addition, the court may appoint an attorney to represent an indigent parent not alleged to have neglected or abused his or her child if the parent is a household member and such independent legal representation is necessary to protect the parent's interests. The court shall not appoint an attorney to represent any other persons involved in a case brought under this chapter.

II. In cases brought pursuant to this chapter involving a neglected or abused child, the court shall appoint a guardian ad litem or Court Appointed Special Advocate (CASA) guardian ad litem for the child. The court shall not appoint an attorney for any guardian ad litem appointed for the

child, but may appoint an attorney or any other qualified individual as the guardian ad litem for the child. The CASA guardian ad litem shall have the same authority and access to information as any other guardian ad litem.

III. The New Hampshire supreme court shall adopt rules regarding the duties and responsibilities of the CASA guardian ad litem or other guardian ad litem appointed for a child.

4 State's Right of Action for Expenses. Amend RSA 169-C:27, I(c) to read as follows:

(c) The state shall have a right of action over for such expenses against the parents or the [person] *people* chargeable by law for the child's support and necessities ***and the right to require parents or other people chargeable by law for the minor's support and necessities to assign to the state any insurance coverage that may be available to pay for all or a portion of the services provided.*** The court shall require the individual chargeable by law for the child's support and necessities to submit a financial statement to the court upon which the court may make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay. Such financial statement shall include, but not be limited to, any benefits received from the Social Security Administration or insurance coverage available to the individual. The court shall include disposition of these benefits in its order as to reimbursement. Such reimbursement shall be established on a per month or per week basis and shall continue for a duration of time equal to the duration of time in which expenses are incurred on behalf of the child by the state. The court's jurisdiction to order reimbursement shall continue until the obligation to reimburse has been fulfilled.

5 State's Right of Action for Expenses. Amend RSA 169-D:29, I(c) to read as follows:

(c) The state shall have a right of action over for such expenses against the parents or the [person] *people* chargeable by law for the child's support and necessities ***and the right to require parents or other people chargeable by law for the minor's support and necessities to assign to the state any insurance coverage that may be available to pay for all or a portion of the services provided.*** The court shall require the individual chargeable by law for the child's support and necessities to submit a financial statement to the court upon which the court may make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay. Such financial statement shall include, but not be limited to, any benefits received from the Social Security Administration or insurance coverage available to the individual. The court shall include disposition of these benefits in its order as to reimbursement. Such reimbursement shall be established on a per month or per week basis and shall continue for a duration of time equal to the duration of time in which expenses are incurred on behalf of the child by the state. The court's jurisdiction to order reimbursement shall continue until the obligation to reimburse has been fulfilled.

6 New Chapter; Review of Dispositional Orders in Juvenile Cases. Amend RSA by inserting after chapter 169-F the following new chapter:

#### CHAPTER 169-G

#### REVIEW OF DISPOSITIONAL ORDERS IN JUVENILE CASES

169-G:1 Review Panel. The administrative justice of the district court shall appoint 5 district court justices to constitute a board of 3 members and 2 alternates to act as a review panel of the district court and shall designate one of these judges as panel chairperson. The term shall be for 3 years, and initial appointments to the review panel shall be as follows: one member and one alternate for 3 years; one member and one alternate for 2 years; and one member for one year. The panel shall meet at such times and places as its business requires, as determined by the chairperson. The decision of 2 members is sufficient to determine any matter before the review panel. No member may sit or act on a review of a dispositional order issued by such member or another justice sitting in the same district court. If the review to be acted on by the panel is a review of a dispositional order issued by a member serving on the review panel or another justice sitting in the same district court, or if it is inexpedient for a member to attend at the time for which a meeting is called, the panel chairperson shall notify one of the alternates to sit in place of the absent or disqualified member. The review panel may appoint a secretary-clerk, whose compensation shall be fixed by the review panel and paid by the state. As used in this chapter "dispositional order" means an order issued pursuant to RSA 169-B:19, RSA 169-C:19 or RSA 169-D:17 or any review, modification, or amendments to said order.

**169-G:2 Application for Review.**

I. The division for children, youth, and families may file with the clerk of the district court where the dispositional order was issued an application for review of the order by the review panel. The application shall be filed within 7 days after the date of the dispositional order, but not thereafter except for good cause shown. The filing of an application for review shall stay the implementation of the dispositional order.

II. Upon issuance of the dispositional order, the clerk shall give oral and written notice to the division for children, youth, and families of its right to make such a request. A form for making the application shall accompany the notice. If an application is filed, the clerk shall forthwith transmit it to the review panel and shall notify the administrative justice and judge who issued the dispositional order of the filing.

III. The judge who issued the dispositional order may transmit to the review panel a statement of the reasons for the dispositional order and shall transmit such a statement within 7 days if requested to do so by the review panel.

**169-G:3 Review Procedure.**

I. The review panel has jurisdiction to consider a request for review of the dispositional order of the court with or without a hearing; to review the dispositional order; to amend the dispositional order by substituting therefor a different appropriate order or orders; or to make any other disposition of the case.

II. The review panel may require the production of any records, documents, exhibits, or other things connected with the proceedings. The district court shall by rule establish forms for review under this chapter and may by rule make such other regulations of procedure relative to such review, consistent with law, as justice requires.

III. The decision of the review panel shall be rendered within 21 days from the date of receipt of the application for review.

**169-G:4 Amendment of Dispositional Orders.** If the dispositional order is amended by an order substituting a different order or disposition of the case, the review panel shall make any other disposition of the case in accordance with the order of the review panel.

**169-G:5 Records.** The secretary-clerk shall attend all sittings of the review panel; shall record all appointments to the panel, notifying the clerks of the district courts of such appointments; and shall record the proceedings of the panel.

**7 Quarterly Reports.** The director of the panel for children, youth and families shall make quarterly reports to the house committee on judiciary and family law containing statistical analysis on the use of RSA 169-D and voluntary service programs. The first report shall be due October 1, 1995.

**8 Study Committee Established.**

I. There is established a committee whose membership shall consist of the house committee on judiciary and family law to study issues relating to privatizing the youth development center and the youth services center, and closing the Tobey School.

II. The committee shall report its findings and any recommendations for proposed legislation to the governor, the senate president, the speaker of the house, the senate clerk, the house clerk, and the state library on or before October 1, 1995.

**9 Repeal.** RSA 169-C:10-a, relative to guardians ad litem, is repealed.

**10 Effective Date.** This act shall take effect July 1, 1995.

Rep. Lockwood spoke in favor and yielded to questions.

Adopted.

Report adopted and referred to Finance.

Rep. Morello declared a conflict of interest and did not participate.

**HB 657-FN**, directing the supreme court to designate one or more counties for a family division pilot program within the judicial branch and to establish such program. **OUGHT TO PASS**

Rep. David W. Hess for Judiciary and Family Law: This bill is the result of 3 years of study involving seven public hearings and the testimony of approximately 100 witnesses. It will give family law the special attention it deserves but has not received. It establishes a pilot program creating a family division within the existing court system for one year to allow evaluation. This bill creates no new courts, carries no appropriation, and will result in no expenditure of additional state resources. All one dozen witnesses spoke in favor of the bill. Vote 19-0.

Adopted and ordered to third reading.

**HR 9**, presenting a petition objecting to the seating of Robert Scott as a state representative from Sullivan county, district 4. **PETITION DENIED**

Rep. David M. Scanlan for Legislative Administration Subcommittee on Elections: The House of Representatives received a complaint from Celestine Wiggins alleging that the manner in which straight ticket ballots were counted during the recount conducted by the Office of the Secretary of State "displaced" Ms. Wiggins from a seat in the New Hampshire House of Representatives. This complaint was also filed with the Ballot Law Commission which found that the straight ticket ballots had been counted in accordance with the requirements of state law. The committee conducted a hearing and reviewed the allegations and materials submitted in the manner. There are no disputed material facts. The committee concludes that the method of counting the straight ticket ballots was consistent with and required by state law. Moreover, the Secretary of State testified that the method used in the recount of the straight ticket ballots had been used throughout the state for many decades. The committee further found that the findings of the Ballot Law Commission were also consistent with state law. Based on the foregoing, the committee recommended that the petition be denied. Vote 3-1.

Rep. Trombly spoke against.

Reps. Bean and Jacobson spoke in favor.

Rep. O'Rourke requested a roll call; sufficiently seconded. The question being the adoption of the subcommittee report.

## **YEAS 242 - NAYS 101**

### **YEAS 242**

#### **BELKNAP**

Boriso, Thomas	Cain, Thomas	Golden, Paul	Holbrook, Robert
Johnson, James	Laflam, Robert	Lawton, David	Rosen, Ralph
Smith, Linda	Thomas, John	Wendelboe, Francine	Ziegra, Alice

#### **CARROLL**

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cooper, Kipp	Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey
Kenney, Joseph	Lyman, L. Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald			

#### **CHESHIRE**

Avery, Stephen	Cole, Stacey	Delano, Robert	Feuer, Joseph
Hunt, John	Laurent, John	Manning, Joseph	McNamara, Wanda
Metzger, Katherine	Royce, H. Charles	Smith, Edwin	Steere, Myron, III

#### **COOS**

Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	St. Hilaire, Paul		

#### **GRAFTON**

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Cobbin, Philip	Guaraldi, Lawrence	Hill, Richard	LaMott, Paul
Larson, Nils, Jr.	MacNeil, Allen	Phinney, William	Teschner, Douglass
Trelfa, Richard	Tucker, John	Williams, William, Jr.	

#### **HILLSBOROUGH**

Aksten, Cheryl	Alukonis, David	Amidon, Eleanor	Andrews, Frederick
Arnold, Thomas, Jr.	Barry, Janet	Belvin, William	Bridgewater, Charles
Brundige, Robert	Burke, M. Virginia	Calawa, Leon, Jr.	Cepaitis, Elizabeth
Chabot, Robert	Champagne, Norma	Clegg, Robert, Jr.	Daniels, Gary
Desrosiers, William	Dodge, Emma	Dokmo, Cynthia	Durham, Susan
Dyer, Merton	Dykstra, Leona	Emerton, Lawrence, Sr.	Ferguson, Charles
Fields, Dennis	Francoeur, Gary	Franks, Susan	Gagnon, Eugene
Gibson, John	Gotham, Rita	Goulet, Maurice	Hansen, Herbert

Hart, Nick  
Holt, David  
Krochmal, Mark  
Legacy, Earl  
MacGillivray, Jeffrey  
McMahon, Donald  
Milligan, Robert  
Packard, Bonnie  
Peters, Stanley  
Searles, Stanley, Sr.  
Thulander, O. Alan  
Wright, George

Herman, Keith  
Hunter, Bruce  
Kurk, Neal  
Letendre, Evelyn  
MacIntyre, Doris  
McRae, Karen  
Mittelman, David  
Pappas, Marc  
Riley, Frances  
Showerman, Peter  
Wheeler, Robert

Holden, Carol  
Jean, Loren  
L'Heureux, Robert  
Lozeau, Donnalee  
Marcinkowski, Michael  
Mercer, Robert  
Morello, Michael  
Pepino, Leo  
Sallada, Roland  
Streeter, Janice  
White, Donald

Holley, Sylvia  
Kelley, Robert  
LaRose, Richard  
Luebker, Bernard  
McCarty, Winston  
Messier, Irene  
O'Hearn, Jane  
Perkins, Paul  
Sargent, Maxwell  
Sullens, Joan  
Worthen, Dorothy

### MERRIMACK

Adams, Stephen  
Chandler, Charles  
Fraser, Marilyn  
Lamach, Bernard  
Morrill, Olive  
Pitman, Mary Ellen  
Whalley, Michael

Barberia, Richard  
Chandler, Earle  
Hess, David  
Langer, Ray  
Nichols, Avis  
Shaw, Randall  
Whittemore, James

Brown, Mary  
Chandler, John  
Jacobson, Alf  
Little, Michael  
Patenaude, Amy  
Warner, Richard  
Willis, Jack

Buessing, Marjorie  
Feuerstein, Martin  
Kennedy, Richard  
Lockwood, Robert  
Pfaff, Terence  
Weeks, John, Jr.

### ROCKINGHAM

Aranda, M. Kathryn  
Bishop, Franklin  
Case, Margaret  
Cote, Patricia  
Dowling, Patricia  
Fesh, Robert  
Goddard, Warren  
Katsakiores, George  
Kruse, Fred  
Lupien, James  
McKinney, Betsy  
Pratt, Katharin  
Ross, James  
Senter, Merilyn  
Sytek, Donna  
Welch, David

Attar, Kevin  
Boucher, William  
Christie, Andrew, Jr.  
Crossman, Harold, Jr.  
Dube, LeRoy  
Flanders, David  
Hawkins, Robert  
Katsakiores, Phyllis  
Langley, Jane  
Magoon, Harold  
Morris, Debbie  
Putnam, Ed, II  
Rubin, George  
Smith, Arthur  
Sytek, John  
Weyler, Kenneth

Beaulieu, Jon  
Camm, Kevin  
Clark, Vivian  
Dodge, Robert  
Dunham, Vivian  
Flanders, John, Sr.  
Hurst, Sharleene  
Klemm, Arthur, Jr.  
Lee, Rebecca  
Malcolm, Ken  
Noyes, Richard  
Raynowska, Bernard  
Sabella, Norma  
Stone, Joseph  
Tufts, J. Arthur  
Yennaco, Carol

Belanger, Ronald  
Carson, Gregory  
Conroy, Janet  
Dolan, Richard  
Felch, Charles, Sr.  
Gage, Beverly  
Johnson, Robert  
Kobel, Rudolph  
Lovejoy, Marian  
McCarthy, John, Jr.  
Packard, Sherman  
Richards, David  
Scanlon, Edward  
Stritch, C. Donald  
Weare, Everett

### STRAFFORD

Douglass, Clyde  
McKinley, Robert  
Torr, Franklin

Dunlap, Patricia  
Reynolds, Charles  
Wasson, Richard

Hanlon, Mark  
Spear, Barbara

Keans, Sandra  
Torr, Ann

### SULLIVAN

Adler, Rudolf  
Peyron, Fredrik

Behrens, Thomas  
Schotanus, Merle

Krueger, Richard  
Scott, Robert

Lindblade, Eric

### NAYS 101

### BELKNAP

None

### CARROLL

None

### CHESHIRE

Burnham, Daniel  
Kingsbury, H. Thayer  
Richardson, Barbara

Champagne, Richard  
Lynch, Margaret  
Riley, William

DePecol, Benjamin  
McGuirk, Paul  
Russell, Ronald

Doucette, Richard  
Pratt, Irene  
Wollner, Robert

**COOS**

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Hawkinson, Marie
Mayhew, Josephine	Mears, Edgar		

**GRAFTON**

Below, Clifton	Copenhaver, Marion	Crory, Elizabeth	Guest, Robert
Ham, Bonnie	Lovett, Sidney	Nordgren, Sharon	

**HILLSBOROUGH**

Ahern, Richard	Allen, W. Gordon	Asselin, Robert	Bergeron, Normand
Boutin, David	Buckley, Raymond	Clemons, Jane	Drabinowicz, A. Theresa
Dwyer, Paul, Sr.	Foster, Linda	Haettenschwiller, Alphonse	Hall, Betty
Hussey, Mary	Jean, Claudette	Kirby, Thomas	Laughlin, J. Francis
Lefebvre, Roland	Martin, Mary	McCarthy, William	Melcher, Harold
O'Rourke, Joanne	Soucy, Donna	Soucy, Richard	Taylor, Paul
Toomey, Kathryn	Turgeon, Roland	White, John	

**MERRIMACK**

Daneault, Gabriel	DeStefano, Stephen	Dunn, Miriam	Moore, Carol
Newland, Matthew	Owen, Derek	Rogers, Katherine	Trombly, Rick
Walner, Mary Jane	Yeaton, Charles		

**ROCKINGHAM**

Clark, Martha	Coes, Betsy	Gorman, Donald	Hutchinson, Karen
Kane, Cecelia	Kelley, Jane	McGovern, Cynthia	Simmons, John Anthony
Splaine, James	Syracusa, Anthony	Vaughn, Charles	

**STRAFFORD**

Berube, Roger	Brown, George	Callaghan, Frank	Chagnon, Ronald
DeChane, Marlene	Grassie, Anne	Hambrick, Patricia	Hemon, Roland
Hilliard, Dana	Knowles, William	Loder, Suzanne	Lundborn, Raymond
McCann, William, Jr.	Merrill, Amanda	Merritt, Deborah	Pelletier, Arthur
Snyder, Clair	Sullivan, Henry	Tessimond, Shane	Torr, Ralph
Vincent, Francis	Wheeler, Katherine	Williams, Howard	

**SULLIVAN**

Allison, David	Cloutier, John	Palmer, Lorraine	Stettenheim, Sandy
Whipple, Allen			

and the report was adopted.

**HB 263**, relative to the board of registration in medicine and making an appropriation for clerical support. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph E. Stone for Finance: The committee amended the bill by appropriating the sum of \$20,000 for FY 96 and the sum of \$20,000 for FY 97. Section 29 was amended to have Section 27 take effect on July 1, 1995 with the remainder of the act to take effect on January 1, 1996. Vote 26-0.

**Amendment (1890L)**

Amend the bill by replacing paragraph II of section 27 with the following:

II. In addition to any other funds appropriated, the sum of \$20,000 for fiscal year 1996 and the sum of \$20,000 for fiscal year 1997, are hereby appropriated to the board for the purposes of paragraph I. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

Amend the bill by replacing section 29 with the following:

29 Effective Date.

I. Section 27 of this act shall take effect on July 1, 1995.

II. The remainder of this act shall take effect January 1, 1996.



Adopted.

Report adopted and ordered to third reading.

**HB 526-FN**, relative to the elevator law, including certain fees. **OUGHT TO PASS**

Rep. Kenneth L. Weyler for Finance: There are over 3000 elevators in New Hampshire and ADA laws are causing a growth in chair lifts as well. These facts have caused the Department of Labor to increase fees relative to inspections and inspectors. This bill also adds examination and licensing of elevator mechanics. The Finance Committee supports increasing fees to cover costs. Vote 21-0.

Rep. Weyler yielded to questions.

Adopted and ordered to third reading.

**HB 543-FN**, imposing a surcharge on fines and default payments which are overdue to the division of motor vehicles. **INEXPEDIENT TO LEGISLATE**

Rep. Charles L. Vaughn for Finance: The problem with imposing an additional 1% surcharge on overdue motor vehicle fines — with moneys collected paid into the victims' assistance fund — is that it imposes an added burden on the Department of Safety already overburdened collecting over \$7 million in default payments. Robert Dunn, Assistant Commissioner of Safety, declared the department was leaning in opposition concerned about increased responsibility, need for personnel and additional fines already imposed for default and reinstatement of a driver's license. Vote 26-0.

Rep. Vaughn yielded to questions.

Adopted.

### SUSPENSION OF RULES

Rep. Channing Brown moved that the Rules be so far suspended as to permit hearings without the proper notice on the bills today referred to the Committee on Finance.

Adopted by the necessary two-thirds.

### RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 6, 1995 at 1:00 p.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 309**, relative to counterfeit recordings.

**HB 152-FN**, allowing the New Hampshire technical institute and technical colleges to apply for accreditation other than as a technical institute or technical college, renaming the department, the institute and colleges, and making administrative revisions.

**HB 154-FN**, relative to temporary registrations, approval of certain vehicle equipment and driver license application searches and establishing a fee.

**HB 168-FN-A**, establishing the Squam Lakes Public Access Trust Program.

**HB 495-FN**, relative to the oil discharge and disposal cleanup fund and the fuel oil discharge cleanup fund and related fees.

**HB 534-FN**, relative to the duties of the secretary of state.

**HB 539**, making certain changes to the legacy and succession tax.

**HB 581-FN**, authorizing the department of environmental services, division of water resources, to acquire certain dams.

**HB 641-FN**, relative to regulation of mortgage loan servicing companies by the banking department and requiring mortgage loan servicing companies to register with and pay registration fees to the department.

**HB 125**, clarifying definitions in the wiretapping and eavesdropping statutes.

**HB 510-FN**, relative to the sale of fireworks.

**HB 53-FN**, relative to information technology management and relative to the information technology management advisory board.

**HB 230**, relative to the physical therapy practice act.

**HB 3-FN-A**, making supplemental appropriations for the fiscal year ending June 30, 1995, and relative to state revenues, payments, and fees.

**HB 56-FN-A**, relative to the interest and dividends tax and relative to certain credits against the business profits tax.

**HB 332-FN-A**, providing for certain services for the developmentally disabled and making an appropriation therefor.

**HB 657-FN**, directing the supreme court to designate one or more counties for a family division pilot program within the judicial branch and to establish such program.

**HB 263**, relative to the board of registration in medicine and making an appropriation for clerical support.

**HB 526-FN**, relative to the elevator law, including certain fees.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 4:20 p.m.

## RECESS

(Rep. Leighton Pratt in the Chair)

## RESOLUTION

Its introduction having been approved by the Rules Committee:

Rep. McGovern offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Resolution numbered 22, shall be by this resolution read a first and second time by the therein listed title.

Adopted.

## INTRODUCTION OF HR

### First and second reading

**HR 22**, requesting an opinion of the justices concerning the constitutionality of HB 55-FN-A. (Trombly, Merr 4; Jacobson, Merr 2)

Rep. Cole moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 15

Thursday, April 6, 1995

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O vibrant and loving God, when our lives are chilled by discouragement or indifference we pray that You will revive our spirits with the sheer grace of Your presence. Help us through all the seasons of our lives to use well and often our gifts for compassion, insight and laughter, not only for the greater enjoyment of our work, but for the sake of those whom we are called to serve. Amen.

Rep. McCann led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Nehring, Peter Cote, Laura Kane, Connolly, Pantelakos, Dowd, Healy, Patricia Cote and Hambrick, the day, illness.

Reps. Fenton, Abbott, Crowell, Nowe, Richards, Eaton, Jacobson, Crossman, William Williams, Charles Cote and Ralph Torr, the day, important business.

Rep. Wall, the day, death in the family.

Rep. Katherine Wheeler, the day, illness in the family.

### INTRODUCTION OF GUESTS

Carol Nadeau, guest of Reps. Gagnon and Boucher. Donald Becker, guest of Rep. Herman. Ellie and Bob Dixon, guests of Speaker Burns. Edward Manoogian, guest of Rep. Raynowska. Ayna Denisova and Anatoly Pavlov, guests of Rep. Hill.

### SPECIAL GUESTS

The Plymouth State College Football Team and the Salem High School Class L Championship Basketball Team, guests of the House.

### SENATE MESSAGE

#### REQUESTS CONCURRENCE WITH AMENDMENT

**HB 222**, relative to access to homes by manufactured housing park owners. (Amendment printed SJ 11, 3/28/95)

Rep. Bonnie Packard moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Gage, Krueger, Pappas and Newland.

### REVENUE ESTIMATES

#### REMOVED FROM THE TABLE

Rep. Channing Brown moved that **HR 15**, affirming unrestricted revenue estimates for fiscal years 1996 and 1997, be removed from the table. (Pending question: Ordering to third reading)

Adopted.

The Finance Committee offered the following:

#### Amendment (2068L)

Amend the general fund business profits tax revenue estimates for fiscal years 1996 and 1997 by replacing them with the following:

Business profits tax	134,000,000	139,500,000
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Amend the general fund securities revenue estimates for fiscal years 1996 and 1997 by replacing them with the following:

Securities	13,500,000	13,500,000
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Amend the totals for general fund revenue estimates for fiscal years 1996 and 1997, excluding medicaid enhancements, by replacing them with the following:

Total	\$710,275,000	\$742,300,000
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Amend the totals for the general fund revenue estimates for fiscal years 1996 and 1997, including medicaid enhancements, by replacing them with the following:

Total general fund revenue	\$810,895,000	\$849,209,000
----------------------------	---------------	---------------

Rep. Kurk spoke in favor and yielded to questions.

Adopted.

### LAI D ON THE TABLE

Rep. Channing Brown moved that **HR 15**, affirming unrestricted revenue estimates for fiscal years 1996 and 1997, be laid on the table.

Adopted.

### SUSPENSION OF RULES

Reps. Ann Torr and Trombly moved that the Rules be so far suspended as to permit consideration at the present time, without the required number of printings of reports, of **HB 52-FN-L**, changing the age for application of the delinquency provisions from 18 to 17; **HB 54-FN**, relative to the permanently and totally disabled and aid to families with dependent children; **HB 57**, granting the governor reorganization authority to reduce state general fund appropriations; **HB 58-FN-A**, increasing the supervision and service charge for parolees and probationers, and establishing a corrections supervision revolving fund; **HB 59-FN-L**, relative to children's services and pertaining to delinquent children, abused and neglected children, children in need of services, and financial responsibility for certain expenses; **HB 60-FN**, relative to health care and pertaining to certificate of need requirements, the health care transition fund, the children's health plan, participation in the medicaid health insurance program, primary preventive health services, and medicaid and disability coverage, and repealing certain programs; **HB 238**, relative to the health care transition fund; **HB 508-FN**, relative to liability insurance coverage for foster parents; and **HB 650-FN-A**, concerning youth access to tobacco and making an appropriation therefor.

Adopted by the necessary two-thirds.

### SPECIAL ORDER

**HB 211-L**, changing the school foundation aid distribution formula, and providing for sweepstakes powerball revenue to be used for state aid to education. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gerald P. Merrill for Finance: This bill revises the foundation aid distribution formula effective in FY 97. The original Section 6 and the original Section 7 have been removed from the bill. Vote 21-0.

(Note: **HB 211-L** is on second reading. The Committee amendment was adopted on April 4, 1995. See House Journal 14, 4/4/95)

Rep. Reynolds requested that the question be divided. The Speaker ruled that the question was divisible.

The question now being the adoption of sections 6 and 7 of the amended bill.

Reps. Reynolds and Wasson spoke against.

Rep. Ferguson spoke in favor and yielded to questions.

Rep. Larson spoke in favor.

Rep. Reynolds requested a roll call; sufficiently seconded.

**YEAS 280 - NAYS 77**

**YEAS 280**

**BELKNAP**

Bartlett, Gordon  
Hurt, George  
Smith, Linda  
Ziegler, Alice

Boriso, Thomas  
Johnson, James  
Thomas, John

Cain, Thomas  
Lawton, Robert  
Turner, Robert

Holbrook, Robert  
Rice, Thomas, Jr.  
Wendelboe, Francine

**CARROLL**

Babson, David, Jr.  
Cooper, Kipp  
Kenney, Joseph  
Philbrick, Donald

Beach, Mildred  
Dickinson, Howard, Jr.  
Lyman, L. Randy

Bradley, Jeb  
Foster, Robert  
Mock, Henry

Chandler, Gene  
Howard, Godfrey  
Patten, Betsey

**CHESHIRE**

Avery, Stephen  
DePecol, Benjamin  
Kingsbury, H. Thayer  
Metzger, Katherine  
Royce, H. Charles

Burnham, Daniel  
Doucette, Richard  
Laurent, John  
Richardson, Barbara  
Russell, Ronald

Champagne, Richard  
Feuer, Joseph  
Lynch, Margaret  
Riley, William  
Steere, Myron, III

Cole, Stacey  
Hunt, John  
McNamara, Wanda  
Robertson, Timothy  
Wollner, Robert

**COOS**

Bradley, Paula  
Mears, Edgar

Davis, Perley  
Merrill, Gerald

Guay, Lawrence

Horton, Lynn

**GRAFTON**

Adams, Carl  
Chase, Paul, Jr.  
Guest, Robert  
Larson, Nils, Jr.  
Scanlan, David

Bean, Pamela  
Copenhaver, Marion  
Ham, Bonnie  
Mirski, Paul  
Teschner, Douglass

Below, Clifton  
Crory, Elizabeth  
Hill, Richard  
Nordgren, Sharon  
Trelfa, Richard

Brown, Channing  
Guaraldi, Lawrence  
LaMott, Paul  
Phinney, William  
Tucker, John

**HILLSBOROUGH**

Aksten, Cheryl  
Arnold, Thomas, Jr.  
Boutin, David  
Calawa, Leon, Jr.  
Cote, David  
Drabinowicz, A. Theresa  
Ferguson, Charles  
Gagnon, Eugene  
Hart, Nick  
Holt, David  
Jean, Loren  
L'Heureux, Robert  
Legacy, Earl  
MacIntyre, Doris  
McCarty, Winston  
Messier, Irene  
O'Hearn, Jane  
Perkins, Paul  
Sargent, Maxwell  
Soucy, Richard  
Thulander, O. Alan  
White, John

Allen, W. Gordon  
Asselin, Robert  
Bridgewater, Charles  
Cepaitis, Elizabeth  
Desrosiers, William  
Durham, Susan  
Fields, Dennis  
Goulet, Maurice  
Herman, Keith  
Hunter, Bruce  
Johnson, Lionel  
LaRose, Richard  
Letendre, Evelyn  
Marcinkowski, Michael  
McRae, Karen  
Milligan, Robert  
O'Rourke, Joanne  
Peters, Stanley  
Searles, Stanley, Sr.  
Streeter, Janice  
Turgeon, Roland  
Worthen, Dorothy

Alukonis, David  
Baroody, Benjamin  
Brundige, Robert  
Clegg, Robert, Jr.  
Dodge, Emma  
Dwyer, Paul, Sr.  
Foster, Linda  
Hallyburton, Margaret  
Holden, Carol  
Hussey, Mary  
Kirby, Thomas  
Laughlin, J. Francis  
Lozeau, Donnalee  
Martin, Mary  
Melcher, Harold  
Mittelman, David  
Pappas, Marc  
Reidy, Frank  
Showerman, Peter  
Sullens, Joan  
Wells, Peter, Sr.

Amidon, Eleanor  
Barry, Janet  
Buckley, Raymond  
Clemons, Jane  
Dokmo, Cynthia  
Emerton, Lawrence, Sr.  
Franks, Suzan  
Hansen, Herbert  
Holley, Sylvia  
Jean, Claudette  
Krochmal, Mark  
Lefebvre, Roland  
MacGillivray, Jeffrey  
McCarthy, William  
Mercer, Robert  
Morello, Michael  
Pepino, Leo  
Sallada, Roland  
Soucy, Donna  
Taylor, Paul  
Wheeler, Robert

**MERRIMACK**

Barberia, Richard  
Chandler, John  
Holmes, Mary  
Lockwood, Robert  
Owen, Derek  
Shaw, Randall  
Whittemore, James

Brown, Mary  
Daneault, Gabriel  
Kennedy, Richard  
MacKay, James  
Patenaude, Amy  
Trombly, Rick  
Willis, Jack

Buessing, Marjorie  
Dunn, Miriam  
Lamach, Bernard  
Morrill, Olive  
Pfaff, Terence  
Wallner, Mary Jane  
Yeaton, Charles

Chandler, Earle  
Fraser, Marilyn  
Langer, Ray  
Nichols, Avis  
Rogers, Katherine  
Whalley, Michael

**ROCKINGHAM**

Aranda, M. Kathryn  
 Belanger, Ronald  
 Carson, Gregory  
 Coes, Betsy  
 Dunham, Vivian  
 Flanders, David  
 Goddard, Warren  
 Hurst, Sharleene  
 Klemm, Arthur, Jr.  
 Lovejoy, Marian  
 McKinney, Betsy  
 Putnam, Ed, II  
 Simmons, John Anthony  
 Syracuse, Anthony  
 Vaughn, Charles

Arndt, Janet  
 Bishop, Franklin  
 Case, Margaret  
 Dodge, Robert  
 Felch, Charles, Sr.  
 Flanders, John, Sr.  
 Gorman, Donald  
 Johnson, Robert  
 Kobel, Rudolph  
 Lupien, James  
 Moore, Benjamin  
 Raynowska, Bernard  
 Splaine, James  
 Sytek, Donna  
 Weare, Everett

Attar, Kevin  
 Boucher, William  
 Christie, Andrew, Jr.  
 Dowling, Patricia  
 Fesh, Robert  
 Gargiulo, Louis  
 Hawkins, Robert  
 Kane, Cecelia  
 Langley, Jane  
 Magoon, Harold  
 Noyes, Richard  
 Sabella, Norma  
 Stone, Joseph  
 Sytek, John  
 Welch, David

Beaulieu, Jon  
 Camm, Kevin  
 Clark, Vivian  
 Dube, LeRoy  
 Flanagan, Natalie  
 Gleason, John  
 Henderson, Warren  
 Katsakiores, George  
 Lee, Rebecca  
 McCarthy, John, Jr.  
 Packard, Sherman  
 Senter, Marilyn  
 Stritch, C. Donald  
 Tufts, J. Arthur  
 Weyler, Kenneth

**STRAFFORD**

Berube, Roger  
 Chagnon, Ronald  
 Grassie, Anne  
 Loder, Suzanne  
 Merritt, Deborah  
 Sullivan, Henry  
 Williams, Howard

Brown, George  
 DeChane, Marlene  
 Hemon, Roland  
 Lundborn, Raymond  
 Musler, George  
 Tessimond, Shane

Brown, Julie  
 Douglass, Clyde  
 Hilliard, Dana  
 McCann, William, Jr.  
 Pelletier, Arthur  
 Torr, Franklin

Callaghan, Frank  
 Dunlap, Patricia  
 Keans, Sandra  
 McKinley, Robert  
 Spear, Barbara  
 Vincent, Francis

**SULLIVAN**

Adler, Rudolf  
 Flint, Gordon  
 Stettenheim, Sandy

Allison, David  
 Krueger, Richard  
 Whipple, Allen

Behrens, Thomas  
 Peyron, Fredrik

Cloutier, John  
 Schotanus, Merle

**NAYS 77****BELKNAP**

Golden, Paul

Laflam, Robert

Lawton, David

Rosen, Ralph

**CARROLL**

None

**CHESHIRE**

Delano, Robert  
 Smith, Edwin

Manning, Joseph

McGuirk, Paul

Pratt, Irene

**COOS**

Hawkinson, Marie

Mayhew, Josephine

Pratt, Leighton

St. Hilaire, Paul

**GRAFTON**

Brown, Alson

Cobbin, Philip

Lovett, Sidney

MacNeil, Allen

**HILLSBOROUGH**

Ahern, Richard  
 Burke, M. Virginia  
 Desmarais, Vivian  
 Francoeur, Gary  
 Hall, Betty  
 Packard, Bonnie  
 Wheeler, Craig

Andrews, Frederick  
 Chabot, Robert  
 Dyer, Merton  
 Gibson, John  
 Kelley, Robert  
 Philbrook, Paula  
 White, Donald

Belvin, William  
 Champagne, Norma  
 Dykstra, Leona  
 Gotham, Rita  
 Luebckert, Bernard  
 Riley, Frances  
 Wright, George

Bergeron, Normand  
 Daniels, Gary  
 Feng, David  
 Haettenschwiller, Alphonse  
 McMahon, Donald  
 Toomey, Kathryn

**MERRIMACK**

Adams, Stephen	Chandler, Charles	Coughlin, Anne	Crosby, Toni
DeStefano, Stephen	Feuerstein, Martin	Moore, Carol	Newland, Matthew
Pitman, Mary Ellen	Warner, Richard	Weeks, John, Jr.	

**ROCKINGHAM**

Clark, Martha	Conroy, Janet	Dolan, Richard	Gage, Beverly
Katsakiores, Phyllis	Kelley, Jane	Kruse, Fred	Malcolm, Ken
McGovern, Cynthia	Morris, Debbie	Pratt, Katharin	Ross, James
Scanlon, Edward	Smith, Arthur	Yennaco, Carol	

**STRAFFORD**

Knowles, William	Merrill, Amanda	Reynolds, Charles	Torr, Ann
Wasson, Richard			

**SULLIVAN**

Lindblade, Eric	Palmer, Lorraine
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and sections 6 and 7 of the amended bill were adopted.

The remainder of the amended bill was adopted and ordered to third reading.

Reps. Chagnon, McKinley, Mears, Spear and Sullivan wished to be recorded against the adoption of the report.

**COMMITTEE REPORTS****CONSENT CALENDAR**

Rep. Ann Torr moved that the Consent Calendar as printed in the day's House Record be adopted.

Consent Calendar adopted.

**SB 16**, relative to the powers of fiduciaries in environmental matters. **OUGHT TO PASS**

Rep. David W. Hess for Judiciary and Family Law: This bill enables fiduciaries, including trustees and guardians, to act in a responsible manner to prevent, clean up and remedy environmental contamination with trust assets without incurring personal financial responsibility. It also allows fiduciaries to refuse to accept property if it is or has been contaminated by hazardous substances or could be held liable for such contamination. Finally, this bill allows fiduciaries to inspect and monitor trust property to determine if it is in compliance with environmental laws, and to settle or compromise claims asserted by either a private party or governmental body involving contamination. Vote 16-1.

**REGULAR CALENDAR**

**HB 52-FN-L**, changing the age for application of the delinquency provisions from 18 to 17. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: This bill changes the age for criminal offenders being treated as adults from 18 to 17 years. One neighboring state uses 17 and another 16 years. Incarceration of youthful offenders is nearly four times more expensive than adult incarceration. The original bill envisioned moving funds from youth services to corrections. Since fund source and amounts could not be determined, the Finance Committee amended fund transfer out of the bill because they will be funded through the budget. Vote 17-10.

**Amendment (2055L)**

Amend the bill by deleting section 40 and renumbering the original section 41 to read as 40.

**AMENDED ANALYSIS**

The substantive sections of this bill change the age for application of the delinquency provisions from 18 to 17 years of age and generally revise the provisions relating to juvenile delinquency as follows:

- I. Redefine "adult," "child," "delinquent," "minor" and "minority."
- II. Revise the chapter applicability and purpose provision.

III. Revise jurisdiction over delinquent minors.

IV. Allow police officers and prosecutors to access police records concerning delinquent minors.

V. Allow the court to transfer supervision from the division for children, youth, and families to the department of corrections and transfer the place of detention from the youth development center to an adult correctional facility.

VI. Revise confidentiality provisions regarding the records of minors involved in violent crime.

VII. Expand the offenses for which a person 13 years of age or older may be held accountable.

The remainder of this bill amends certain RSA provisions making them gender neutral and consistent with other sections amended by the bill in accordance with RSA 17-A:6 relative to gender neutral drafting.

Rep. Robert Wheeler spoke in favor and yielded to questions.

Rep. Vaughn spoke against.

Adopted.

Rep. Keans requested a roll call; sufficiently seconded. The question being the adoption of the report.

## YEAS 228 - NAYS 126

### YEAS 228

#### BELKNAP

Bartlett, Gordon  
Laflam, Robert  
Rosen, Ralph  
Ziegler, Alice

Cain, Thomas  
Lawton, David  
Thomas, John

Holbrook, Robert  
Lawton, Robert  
Turner, Robert

Johnson, James  
Rice, Thomas, Jr.  
Wendelboe, Francine

#### CARROLL

Babson, David, Jr.  
Cooper, Kipp  
Lyman, L. Randy

Beach, Mildred  
Dickinson, Howard, Jr.  
Mock, Henry

Bradley, Jeb  
Foster, Robert  
Patten, Betsey

Chandler, Gene  
Howard, Godfrey  
Philbrick, Donald

#### CHESHIRE

Avery, Stephen  
Hunt, John  
Metzger, Katherine

Cole, Stacey  
Laurent, John  
Royce, H. Charles

Delano, Robert  
Manning, Joseph  
Smith, Edwin

Feuer, Joseph  
McNamara, Wanda  
Steere, Myron, III

#### COOS

Davis, Perley  
Pratt, Leighton

Guay, Lawrence

Horton, Lynn

Merrill, Gerald

#### GRAFTON

Adams, Carl  
Chase, Paul, Jr.  
Larson, Nils, Jr.  
Scanlan, David

Bean, Pamela  
Cobbin, Philip  
MacNeil, Allen  
Teschner, Douglass

Brown, Alson  
Guaraldi, Lawrence  
Mirski, Paul  
Trelfa, Richard

Brown, Channing  
Hill, Richard  
Phinney, William  
Tucker, John

#### HILLSBOROUGH

Aksten, Cheryl  
Arnold, Thomas, Jr.  
Burke, M. Virginia  
Champagne, Norma  
Desrosiers, William  
Dyer, Merton  
Francoeur, Gary  
Gotham, Rita  
Herman, Keith  
Jean, Claudette

Alukonis, David  
Belvin, William  
Calawa, Leon, Jr.  
Clegg, Robert, Jr.  
Dodge, Emma  
Emerton, Lawrence, Sr.  
Franks, Suzan  
Goulet, Maurice  
Holley, Sylvia  
Jean, Loren

Amidon, Eleanor  
Bridgewater, Charles  
Cepaitis, Elizabeth  
Daniels, Gary  
Dokmo, Cynthia  
Ferguson, Charles  
Gagnon, Eugene  
Hansen, Herbert  
Holt, David  
Kelley, Robert

Andrews, Frederick  
Brundige, Robert  
Chabot, Robert  
Desmarais, Vivian  
Durham, Susan  
Fields, Dennis  
Gibson, John  
Hart, Nick  
Hunter, Bruce  
Krochmal, Mark



Kurk, Neal  
 Lefebvre, Roland  
 Luebker, Bernard  
 McCarty, Winston  
 Mittelman, David  
 Pappas, Marc  
 Sallada, Roland  
 Soucy, Richard  
 Turgeon, Roland  
 Worthen, Dorothy

L'Heureux, Robert  
 Legacy, Earl  
 MacGillivray, Jeffrey  
 McMahon, Donald  
 Morello, Michael  
 Popino, Leo  
 Sargent, Maxwell  
 Streeter, Janice  
 Wells, Peter, Sr.

LaRose, Richard  
 Letendre, Evelyn  
 MacIntyre, Doris  
 Mercer, Robert  
 O'Hearn, Jane  
 Peters, Stanley  
 Searles, Stanley, Sr.  
 Sullens, Joan  
 Wheeler, Robert

Laughlin, J. Francis  
 Lozeau, DonnaLee  
 Marcinkowski, Michael  
 Messier, Irene  
 Packard, Bonnie  
 Riley, Frances  
 Showerman, Peter  
 Thulander, O. Alan  
 White, Donald

### MERRIMACK

Adams, Stephen  
 Chandler, Earle  
 Lamach, Bernard  
 Nichols, Avis  
 Weeks, John, Jr.

Barberia, Richard  
 Chandler, John  
 Langer, Ray  
 Patenaude, Amy  
 Whalley, Michael

Brown, Mary  
 Feuerstein, Martin  
 MacKay, James  
 Pfaff, Terence  
 Whittemore, James

Buessing, Marjorie  
 Holmes, Mary  
 Morrill, Olive  
 Warner, Richard  
 Willis, Jack

### ROCKINGHAM

Aranda, M. Kathryn  
 Boucher, William  
 Clark, Vivian  
 Dowling, Patricia  
 Fesh, Robert  
 Gargiulo, Louis  
 Henderson, Warren  
 Katsakiores, Phyllis  
 Langley, Jane  
 Magoon, Harold  
 Moore, Benjamin  
 Putnam, Ed, II  
 Simmons, John Anthony  
 Sytek, Donna  
 Welch, David

Arndt, Janet  
 Camm, Kevin  
 Conroy, Janet  
 Dube, LeRoy  
 Flanagan, Natalie  
 Gleason, John  
 Hurst, Sharlene  
 Klemm, Arthur, Jr.  
 Lee, Rebecca  
 Malcolm, Ken  
 Morris, Debbie  
 Raynowska, Bernard  
 Smith, Arthur  
 Sytek, John  
 Weyler, Kenneth

Attar, Kevin  
 Case, Margaret  
 Dodge, Robert  
 Dunham, Vivian  
 Flanders, David  
 Goddard, Warren  
 Johnson, Robert  
 Kobel, Rudolph  
 Lovejoy, Marian  
 McCarthy, John, Jr.  
 Packard, Sherman  
 Sabella, Norma  
 Stone, Joseph  
 Tufts, J. Arthur  
 Yennaco, Carol

Beaulieu, Jon  
 Christie, Andrew, Jr.  
 Dclan, Richard  
 Felch, Charles, Sr.  
 Flanders, John, Sr.  
 Hawkins, Robert  
 Katsakiores, George  
 Kruse, Fred  
 Lupien, James  
 McKinney, Betsy  
 Pratt, Katharin  
 Senter, Merilyn  
 Stritch, C. Donald  
 Weare, Everett

### STRAFFORD

Douglass, Clyde  
 Spear, Barbara

Knowles, William  
 Torr, Ann

McKinley, Robert  
 Torr, Franklin

Musler, George

### SULLIVAN

Adler, Rudolf  
 Lindblade, Eric

Behrens, Thomas  
 Peyron, Fredrik

Flint, Gordon  
 Schotanus, Merle

Krueger, Richard

### NAYS 126

### BELKNAP

Boriso, Thomas

Golden, Paul

Hurt, George

Smith, Linda

### CARROLL

Kenney, Joseph

### CHESHIRE

Burnham, Daniel  
 Kingsbury, H. Thayer  
 Richardson, Barbara  
 Wollner, Robert

Champagne, Richard  
 Lynch, Margaret  
 Riley, William

DePecol, Benjamin  
 McGuirk, Paul  
 Robertson, Timothy

Doucette, Richard  
 Pratt, Irene  
 Russell, Ronald

### COOS

Bradley, Paula  
 St. Hilaire, Paul

Hawkinson, Marie

Mayhew, Josephine

Mears, Edgar

**GRAFTON**

Below, Clifton  
Ham, Bonnie

Copenhaver, Marion  
LaMott, Paul

Crory, Elizabeth  
Lovett, Sidney

Guest, Robert  
Nordgren, Sharon

**HILLSBOROUGH**

Ahern, Richard  
Barry, Janet  
Clemmons, Jane  
Dykstra, Leona  
Hallyburton, Margaret  
Kirby, Thomas  
Melcher, Harold  
Philbrook, Paula  
Toomey, Kathryn

Allen, W. Gordon  
Bergeron, Normand  
Cote, David  
Foster, Linda  
Holden, Carol  
Martin, Mary  
Milligan, Robert  
Reidy, Frank  
Wheeler, Craig

Asselin, Robert  
Boutin, David  
Drabinowicz, A. Theresa  
Haettenschwiller, Alphonse  
Hussey, Mary  
McCarthy, William  
O'Rourke, Joanne  
Soucy, Donna  
White, John

Baroody, Benjamin  
Buckley, Raymond  
Dwyer, Paul, Sr.  
Hall, Betty  
Johnson, Lionel  
McRae, Karen  
Perkins, Paul  
Taylor, Paul  
Wright, George

**MERRIMACK**

Chandler, Charles  
DeStefano, Stephen  
Newland, Matthew  
Trombly, Rick

Coughlin, Anne  
Dunn, Miriam  
Owen, Derek  
Wallner, Mary Jane

Crosby, Toni  
Fraser, Marilyn  
Pitman, Mary Ellen  
Yeaton, Charles

Daneault, Gabriel  
Moore, Carol  
Rogers, Katherine

**ROCKINGHAM**

Belanger, Ronald  
Coes, Betsy  
Kelley, Jane  
Splaine, James

Bishop, Franklin  
Gage, Beverly  
McGovern, Cynthia  
Syracusa, Anthony

Carson, Gregory  
Gorman, Donald  
Ross, James  
Vaughn, Charles

Clark, Martha  
Kane, Cecelia  
Scanlon, Edward

**STRAFFORD**

Berube, Roger  
Chagnon, Ronald  
Hemon, Roland  
Lundborn, Raymond  
Pelletier, Arthur  
Tessimond, Shane

Brown, George  
DeChane, Marlene  
Hilliard, Dana  
McCann, William, Jr.  
Reynolds, Charles  
Vincent, Francis

Brown, Julie  
Dunlap, Patricia  
Keans, Sandra  
Merrill, Amanda  
Snyder, Clair  
Wasson, Richard

Callaghan, Frank  
Grassie, Anne  
Loder, Suzanne  
Merritt, Deborah  
Sullivan, Henry  
Williams, Howard

**SULLIVAN**

Allison, David  
Whipple, Allen

Cloutier, John

Palmer, Lorraine

Stettenheim, Sandy

and the report was adopted.

Ordered to third reading.

Reps. Ross and Edward Scanlan voted nay and intended to vote yea.

**HB 54-FN**, relative to the permanently and totally disabled and aid to families with dependent children. **OUGHT TO PASS WITH AMENDMENT**

Rep. Patricia A. Dowling for Finance: This bill involves a change in the definition of eligibility for the permanently and totally disabled (APTD), keeps the APTD work incentives in place, repeals the AFDC (Aid to Families with Dependent Children) cost-of-living adjustment, and directs the director of the division of human services to perform an analysis and evaluation of the APTD program. Vote 21-5.

**Amendment (2038L)**

Amend the bill by replacing section 1 with the following:

1 Eligibility for Aid to Permanently and Totally Disabled. Amend RSA 167:6, VI to read as follows:

VI. For the purposes hereof, a person shall be eligible for aid to the permanently and totally disabled who is between the ages of 18 and 64 years of age inclusive; is a resident of the state; and is disabled as defined in the federal Social Security Act, Titles II and XVI and the

regulations adopted under such act, *except that the minimum required duration of the impairment shall be 36 months.* In determining disability, the standards for "substantial gainful activity" as used in the Social Security Act shall apply, including all work incentive provisions including Impairment Related Work Expenses, Plans to Achieve Self Support, and subsidies. No person shall be eligible to receive such aid while receiving old age assistance, aid to the needy blind, or aid to families with dependent children.

Amend the bill by replacing all after section 2 with the following:

### 3 Cost Analysis Required Regarding Aid to the Permanently and Totally Disabled (APTD).

I. The director of the division of human services shall conduct an analysis of the general fund costs and savings accruing from the implementation of 1993, 358:58 which provided increased APTD eligibility for disabled persons who have curable conditions. The director shall also conduct an analysis of the general fund costs and saving accruing from the implementation of the provisions of this act relating to the definition of disability under APTD. The design and methodology of this analysis shall be determined in consultation with, and with the approval of, the medical care advisory committee as established under federal law.

II. The director shall individually reassess the disability status of at least a statistically significant sample of not less than 300 persons added to the APTD rolls after June, 1994, and before the effective date of this act. The purpose of this individual reassessment shall be to determine what percentage of persons coming onto the APTD rolls were eligible for APTD only because of the implementation of 1993, 358:58 and the per person Medicaid and other costs and savings for each of those persons. For persons coming onto the APTD rolls after the effective date of this act, the director shall determine the disability status of at least a statistically significant sample of not less than 300 persons under the APTD eligibility provisions in effect prior to December 1, 1993. The purpose of this individual reassessment shall be to determine what percentage of persons coming onto the APTD rolls after the effective date of this act are eligible for APTD only because of the implementation of this act and the per person Medicaid and other costs and savings for each of those persons.

### 4 Report Required.

I. The director of the division of human services in consultation with the medical care advisory committee shall submit a report of the analysis results, and any recommendations for legislation, by November 1, 1996, to the governor, the speaker of the house, the house clerk, the president of the senate, the senate clerk, and the state librarian.

### II. The report shall include:

(a) The number of individuals becoming eligible for APTD between December 1, 1993, and the effective date of this act only because of the implementation of 1993, 358:58.

(b) The number of individuals becoming eligible for APTD after the effective date of this act that would not have been eligible under the definition of disability in effect prior to December 1, 1993.

(c) The general fund costs and savings associated with the individuals identified in subparagraphs (a) and (b).

(d) The policy implications of repealing 1993, 358:58 and the definition of disability contained in this act, including the questions whether repealing these provisions is compatible or incompatible with the goals and policies of welfare reform and health care reform, including the policies of encouraging work, self-sufficiency, preventive care, and administrative simplification.

(e) The cost consequences that repealing 1993, 358:58 as well as the definition of disability contained in this act had or would have on the municipalities of this state.

(f) Comments by the medical care advisory committee.

### 5 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill:

(1) Changes the definition of eligibility for aid to the permanently and totally disabled.

(2) Authorizes the director of the division of human services to establish subsequent consolidated standards of payment subject to appropriated funds and applicable federal regulations.

Adopted.

Rep. Allen spoke in favor.

Report adopted and ordered to third reading.

**HB 55-FN-A**, to address anticipated budget shortfalls in the department of health and human services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Franklin G. Torr for Finance: The amendment provides an opportunity to the Department of Health and Human Services to put forth a reorganization plan by October 1, 1995. The plan will achieve efficiencies in the operation of the Department, while providing service to their clients. The plan will go through the legislative process with floor action by November 1, 1995. In the interim the Department with the approval of the Fiscal Committee and the Governor can put in effect changes. This bill is a component of the Governor's proposed budget which equates to a \$32,000,000 reduction. Vote 17-10.

#### **Amendment (1925L)**

Amend the bill by replacing all after the enacting clause with the following:

##### **1 Purpose.**

I. The general court recognizes the need to facilitate the development of a more efficient state government to ensure that the needs of the citizens of the state are met at the lowest possible cost. This is especially true within the largest department of state government, the department of health and human services. Certain administrative and organizational changes are required to effect management efficiencies within the department and to establish the basis for operations in the era of streamlined government. The changes are also required to ensure that the department is more effective in fulfilling its basic mission through consolidating and redirecting financial and human resources.

II. The general court further recognizes that actions may be taken on the federal level which affect the scope and direction of many programs and services now provided by the department. These changes are expected to be implemented quickly and may require major administrative and program adjustments. The department should be given authority to rework the structure of the department to enable the necessary response to federal actions while assuring the most benefits for citizens of this state.

III. The general court recognizes that the department is facing increasing costs that must be addressed while preserving the capacity of the department to serve those residents of this state who are poor, infirm, disable, or otherwise in need of assistance.

IV. It is the intent of the general court to give the department of health and human services the ability to meet the challenges set forth above, for a limited period of time and pursuant to a reorganization plan which shall be subject to legislative review and approval. Such a plan shall not add new burdens to counties, cities, and towns of New Hampshire.

##### **2 Responsibilities of the Department; Special Legislative Session.**

I. On or before October 1, 1995, the department of health and human services shall develop a plan for reorganization of the department of health and human services and for addressing any existing or projected deficit within the department's budget. The plan shall define the administrative and program structure for the department best designed to carry out the responsibilities of the department in the most effective and efficient manner. The plan shall show how the financial and human resources of the department will be best deployed to implement the programs and services of the department. It is expected that existing organizational boundaries and categories within the department will be altered in the restructuring process.

II. The department of health and human services shall submit the reorganization plan for the department to the house and senate finance committees on or before October 1, 1995. The committees shall conduct a joint public hearing on the plan within 10 days of submission of the plan. Within 10 days after conclusion of the joint public hearing on the plan, the committees shall prepare such legislation as is necessary to put into effect such parts of the plan as are recommended by the committees. The senate president and the speaker of the house shall call their respective bodies into session no later than November 1, 1995, to consider the legislation prepared by the committees relative to the department of health and human services plan.

III. Notwithstanding any other provisions of law but subject to the prior approval of the fiscal committee and the governor, in the interim between the effective date of this act and legislative action taken in accordance with paragraph II, the department, in order to effectuate immediate efficiencies, is authorized to do the following:

(a) Reduce the number of department classified and unclassified personnel in filled positions, transfer personnel and positions within or between divisions, bureaus, and offices within the department.

(b) Transfer functions, powers, duties, and responsibilities within or between divisions, bureaus, and offices within the department.

(c) Transfer between divisions, bureaus, and offices equipment and supplies of the department.

(d) Adjust departmental program expenditures including levels of assistance.

IV. Nothing in this act is intended to, nor shall it be construed as, mandating or assigning any new, expanded, or modified program or responsibility for any political subdivision in violation of part I, article 28-a of the constitution of the state of New Hampshire.

V. In the event that the plan to be submitted by the department on October 1, 1995, is delayed, all other deadlines established within paragraph II shall be adjusted accordingly.

3 Severability. If any provision of this act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications and to this end the provisions of this act are severable.

4 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill requires the department of health and human services to develop a plan for reorganization of the department on or before October 1, 1995. Under this bill, the general court is to meet in special session to consider the plan no later than November 1, 1995. The bill provides for certain interim measures to be undertaken by the department during the interim time period.

Rep. Lozeau requested that the question be divided. The Speaker ruled that the question was divisible.

The question now being the adoption of Section 2, III of the amendment.

Reps. Lozeau and Henderson spoke against and yielded to questions.

Reps. Frank Torr and Schotanus spoke in favor and yielded to questions.

Rep. MacIntyre spoke against.

Rep. Ann Torr requested a roll call; sufficiently seconded.

### YEAS 207 - NAYS 156

#### YEAS 207

#### BELKNAP

Bartlett, Gordon	Cain, Thomas	Dewhirst, Glenn	Golden, Paul
Holbrook, Robert	Hurt, George	Johnson, James	Laflam, Robert
Lawton, David	Lawton, Robert	Rice, Thomas, Jr.	Rosen, Ralph
Smith, Linda	Thomas, John	Turner, Robert	Wendelboe, Francine
Ziegler, Alice			

#### CARROLL

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cooper, Kipp	Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey
Kenney, Joseph	Mock, Henry	Patten, Betsey	Philbrick, Donald

#### CHESHIRE

Avery, Stephen	Cole, Stacey	Feuer, Joseph	Hunt, John
Laurent, John	McNamara, Wanda	Metzger, Katherine	Smith, Edwin
Steere, Myron, III			

#### COOS

Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
St. Hilaire, Paul			

#### GRAFTON

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Cobbin, Philip	Guaraldi, Lawrence	Hill, Richard	LaMott, Paul
Larson, Nils, Jr.	Scanlan, David	Teschner, Douglass	Trelfa, Richard
Tucker, John			

**HILLSBOROUGH**

Aksten, Cheryl  
 Arnold, Thomas, Jr.  
 Brundige, Robert  
 Desmarais, Vivian  
 Emerton, Lawrence, Sr.  
 Francoeur, Gary  
 Gotham, Rita  
 Herman, Keith  
 Hunter, Bruce  
 Kurk, Neal  
 Letendre, Evelyn  
 McMahon, Donald  
 Mittelman, David  
 Pappas, Marc  
 Sallada, Roland  
 Soucy, Richard  
 Wheeler, Robert

Alukonis, David  
 Belvin, William  
 Burke, M. Virginia  
 Desrosiers, William  
 Feng, David  
 Franks, Suzan  
 Hallyburton, Margaret  
 Holley, Sylvia  
 Jean, Loren  
 L'Heureux, Robert  
 Luebke, Bernard  
 McRae, Karen  
 Morello, Michael  
 Pepino, Leo  
 Sargent, Maxwell  
 Sullens, Joan  
 White, Donald

Amidon, Eleanor  
 Boutin, David  
 Calawa, Leon, Jr.  
 Dodge, Emma  
 Ferguson, Charles  
 Gagnon, Eugene  
 Hansen, Herbert  
 Holt, David  
 Kelley, Robert  
 LaRose, Richard  
 Marcinkowski, Michael  
 Mercer, Robert  
 O'Hearn, Jane  
 Peters, Stanley  
 Searles, Stanley, Sr.  
 Thulander, O. Alan  
 Worthen, Dorothy

Andrews, Frederick  
 Bridgewater, Charles  
 Daniels, Gary  
 Dyer, Merton  
 Fields, Dennis  
 Gibson, John  
 Hart, Nick  
 Holt, Mark  
 Krochmal, Mark  
 Legacy, Earl  
 McCarty, Winston  
 Milligan, Robert  
 Packard, Bonnie  
 Riley, Frances  
 Showerman, Peter  
 Wells, Peter, Sr.  
 Wright, George

**MERRIMACK**

Adams, Stephen  
 Chandler, Earle  
 Kennedy, Richard  
 Nichols, Avis  
 Shaw, Randall  
 Willis, Jack

Barberia, Richard  
 Chandler, John  
 Langer, Ray  
 Patenaude, Amy  
 Warner, Richard

Brown, Mary  
 Hess, David  
 Little, Michael  
 Pfaff, Terence  
 Whalley, Michael

Buessing, Marjorie  
 Holmes, Mary  
 Lockwood, Robert  
 Pitman, Mary Ellen  
 Whittemore, James

**ROCKINGHAM**

Arndt, Janet  
 Belanger, Ronald  
 Dodge, Robert  
 Felch, Charles, Sr.  
 Flanders, John, Sr.  
 Hurst, Sharleene  
 Kobel, Rudolph  
 Lovejoy, Marian  
 McKinney, Betsy  
 Packard, Sherman  
 Senter, Marilyn  
 Sytek, John  
 Yennaco, Carol

Attar, Kevin  
 Camm, Kevin  
 Dolan, Richard  
 Fesh, Robert  
 Gargiulo, Louis  
 Johnson, Robert  
 Kruse, Fred  
 Magoon, Harold  
 Moore, Benjamin  
 Pratt, Katharin  
 Simmons, John Anthony  
 Tufts, J. Arthur

Battles, Marjorie  
 Carson, Gregory  
 Dube, LeRoy  
 Flanagan, Natalie  
 Gleason, John  
 Katsakiores, George  
 Langley, Jane  
 Malcolm, Ken  
 Morris, Debbie  
 Putnam, Ed, II  
 Smith, Arthur  
 Welch, David

Beaulieu, Jon  
 Case, Margaret  
 Dunham, Vivian  
 Flanders, David  
 Goddard, Warren  
 Klemm, Arthur, Jr.  
 Lee, Rebecca  
 McCarthy, John, Jr.  
 Noyes, Richard  
 Raynowska, Bernard  
 Stone, Joseph  
 Weyler, Kenneth

**STRAFFORD**

Douglass, Clyde  
 Torr, Ann

McKinley, Robert  
 Torr, Franklin

Reynolds, Charles  
 Wasson, Richard

Spear, Barbara

**SULLIVAN**

Adler, Rudolf  
 Schotanus, Merle

Behrens, Thomas  
 Scott, Robert

Krueger, Richard

Peyron, Fredrik

**NAYS 156****BELKNAP**

Boriso, Thomas

**CARROLL**

Lyman, L. Randy

**CHESHIRE**

Burnham, Daniel  
 Doucette, Richard

Champagne, Richard  
 Kingsbury, H. Thayer

DePecol, Benjamin  
 Lynch, Margaret

Delano, Robert  
 Manning, Joseph

McGuirk, Paul  
Robertson, Timothy

Pratt, Irene  
Royce, H. Charles

Richardson, Barbara  
Russell, Ronald

Riley, William  
Wollner, Robert

### COOS

Bradley, Paula  
Mears, Edgar

Davis, Perley

Hawkinson, Marie

Mayhew, Josephine

### GRAFTON

Below, Clifton  
Guest, Robert  
Mirski, Paul

Chase, Paul, Jr.  
Ham, Bonnie  
Nordgren, Sharon

Copenhaver, Marion  
Lovett, Sidney  
Phinney, William

Crory, Elizabeth  
MacNeil, Allen

### HILLSBOROUGH

Ahern, Richard  
Barry, Janet  
Chabot, Robert  
Cote, David  
Dwyer, Paul, Sr.  
Haettenschwiller, Alphonse  
Jean, Claudette  
Lefebvre, Roland  
Martin, Mary  
O'Rourke, Joanne  
Soucy, Donna  
Turgeon, Roland

Allen, W. Gordon  
Bergeron, Normand  
Champagne, Norma  
Dokmo, Cynthia  
Dykstra, Leona  
Hall, Betty  
Johnson, Lionel  
Lozeau, Donnalee  
McCarthy, William  
Perkins, Paul  
Streeter, Janice  
Wheeler, Craig

Asselin, Robert  
Buckley, Raymond  
Clegg, Robert, Jr.  
Drabinowicz, A. Theresa  
Foster, Linda  
Holden, Carol  
Kirby, Thomas  
MacGillivray, Jeffrey  
Melcher, Harold  
Philbrook, Paula  
Taylor, Paul  
White, John

Baroody, Benjamin  
Cepaitis, Elizabeth  
Clemons, Jane  
Durham, Susan  
Goulet, Maurice  
Hussey, Mary  
Laughlin, J. Francis  
MacIntyre, Doris  
Messier, Irene  
Reidy, Frank  
Toomey, Kathryn

### MERRIMACK

Chandler, Charles  
DeStefano, Stephen  
Lamach, Bernard  
Newland, Matthew  
Wallner, Mary Jane

Coughlin, Anne  
Dunn, Miriam  
MacKay, James  
Owen, Derek  
Weeks, John, Jr.

Crosby, Toni  
Feuerstein, Martin  
Moore, Carol  
Rogers, Katherine  
Yeaton, Charles

Daneault, Gabriel  
Fraser, Marilyn  
Morrill, Olive  
Trombly, Rick

### ROCKINGHAM

Aranda, M. Kathryn  
Clark, Martha  
Dowling, Patricia  
Henderson, Warren  
Lupien, James  
Scanlon, Edward  
Sytek, Donna

Bishop, Franklin  
Clark, Vivian  
Gage, Beverly  
Kane, Cecelia  
McGovern, Cynthia  
Splaine, James  
Vaughn, Charles

Boucher, William  
Coes, Betsy  
Gorman, Donald  
Katsakiores, Phyllis  
Ross, James  
Stritch, C. Donald  
Weare, Everett

Christie, Andrew, Jr.  
Conroy, Janet  
Hawkins, Robert  
Kelley, Jane  
Sabella, Norma  
Syracusa, Anthony

### STRAFFORD

Berube, Roger  
DeChane, Marlene  
Hilliard, Dana  
Lundborn, Raymond  
Pelletier, Arthur  
Vincent, Francis

Brown, George  
Dunlap, Patricia  
Keans, Sandra  
McCann, William, Jr.  
Snyder, Clair  
Williams, Howard

Callaghan, Frank  
Grassie, Anne  
Knowles, William  
Merrill, Amanda  
Sullivan, Henry

Chagnon, Ronald  
Hemon, Roland  
Loder, Suzanne  
Merritt, Deborah  
Tessimond, Shane

### SULLIVAN

Allison, David  
Palmer, Lorraine

Cloutier, John  
Stettenheim, Sandy

Flint, Gordon  
Whipple, Allen

Lindblade, Eric

and Section 2, III was adopted.

The remainder of the amendment was adopted.

The question now being the adoption of the report.

Rep. Rogers spoke against.

Reps. Channing Brown, Frances Riley and Ferguson spoke in favor.

Rep. Trombly spoke against and yielded to questions.

**MOTION TO LAY ON THE TABLE**

Rep. Buckley moved that **HB 55-FN-A**, to address anticipated budget shortfalls in the department of health and human services, be laid on the table.

Rep. Ann Torr requested a roll call; sufficiently seconded.

**YEAS 120 - NAYS 245****YEAS 120****BELKNAP**

Boriso, Thomas

Dewhirst, Glenn

**CARROLL**

None

**CHESHIRE**

Burnham, Daniel  
Doucette, Richard  
McGuirk, Paul  
Robertson, Timothy

Champagne, Richard  
Kingsbury, H. Thayer  
Pratt, Irene  
Russell, Ronald

DePecol, Benjamin  
Lynch, Margaret  
Richardson, Barbara  
Wollner, Robert

Delano, Robert  
Manning, Joseph  
Riley, William

**COOS**

Bradley, Paula  
Mears, Edgar

Davis, Perley

Hawkinson, Marie

Mayhew, Josephine

**GRAFTON**

Below, Clifton  
Ham, Bonnie  
Phinney, William

Copenhaver, Marion  
LaMott, Paul

Crory, Elizabeth  
Lovett, Sidney

Guest, Robert  
Nordgren, Sharon

**HILLSBOROUGH**

Ahern, Richard  
Bergeron, Normand  
Drabinowicz, A. Theresa  
Hall, Betty  
Kirby, Thomas  
McCarthy, William  
Perkins, Paul  
Soucy, Richard  
Wheeler, Craig

Allen, W. Gordon  
Buckley, Raymond  
Dwyer, Paul, Sr.  
Hussey, Mary  
Laughlin, J. Francis  
Melcher, Harold  
Philbrook, Paula  
Streeter, Janice  
White, John

Asselin, Robert  
Clemons, Jane  
Foster, Linda  
Jean, Claudette  
Lefebvre, Roland  
Messier, Irene  
Reidy, Frank  
Toomey, Kathryn

Baroody, Benjamin  
Cote, David  
Haettenschwiller, Alphonse  
Johnson, Lionel  
Martin, Mary  
O'Rourke, Joanne  
Soucy, Donna  
Turgeon, Roland

**MERRIMACK**

Chandler, Charles  
DeStefano, Stephen  
Moore, Carol  
Rogers, Katherine  
Yeaton, Charles

Coughlin, Anne  
Dunn, Miriam  
Morrill, Olive  
Trombly, Rick

Crosby, Toni  
Fraser, Marilyn  
Newland, Matthew  
Wallner, Mary Jane

Daneault, Gabriel  
MacKay, James  
Owen, Derek  
Weeks, John, Jr.

**ROCKINGHAM**

Clark, Martha  
Kelley, Jane  
Syracusa, Anthony

Coes, Betsy  
McGovern, Cynthia  
Vaughn, Charles

Gage, Beverly  
Sabella, Norma

Kane, Cecelia  
Splaine, James

**STRAFFORD**

Berube, Roger  
DeChane, Marlene  
Hilliard, Dana  
Lundborn, Raymond  
Pelletier, Arthur  
Vincent, Francis

Brown, George  
Dunlap, Patricia  
Keans, Sandra  
McCann, William, Jr.  
Snyder, Clair  
Williams, Howard

Callaghan, Frank  
Grassie, Anne  
Knowles, William  
Merrill, Amanda  
Sullivan, Henry

Chagnon, Ronald  
Hemon, Roland  
Loder, Suzanne  
Merritt, Deborah  
Tessimond, Shane



**SULLIVAN**

Allison, David  
Stettenheim, Sandy

Cloutier, John  
Whipple, Allen

Lindblade, Eric

Palmer, Lorraine

**NAYS 245****BELKNAP**

Bartlett, Gordon  
Hurt, George  
Lawton, Robert  
Thomas, John

Cain, Thomas  
Johnson, James  
Rice, Thomas, Jr.  
Turner, Robert

Golden, Paul  
Lafiam, Robert  
Rosen, Ralph  
Wendelboe, Francine

Holbrook, Robert  
Lawton, David  
Smith, Linda  
Ziegler, Alice

**CARROLL**

Babson, David, Jr.  
Cooper, Kipp  
Kenney, Joseph  
Philbrick, Donald

Beach, Mildred  
Dickinson, Howard, Jr.  
Lyman, L. Randy

Bradley, Jeb  
Foster, Robert  
Mock, Henry

Chandler, Gene  
Howard, Godfrey  
Patten, Betsey

**CHESHIRE**

Avery, Stephen  
Laurent, John  
Smith, Edwin

Cole, Stacey  
McNamara, Wanda  
Steere, Myron, III

Feuer, Joseph  
Metzger, Katherine

Hunt, John  
Royce, H. Charles

**COOS**

Guay, Lawrence  
St. Hilaire, Paul

Horton, Lynn

Merrill, Gerald

Pratt, Leighton

**GRAFTON**

Adams, Carl  
Chase, Paul, Jr.  
Larson, Nils, Jr.  
Teschner, Douglass

Bean, Pamela  
Cobbin, Philip  
MacNeil, Allen  
Trelfa, Richard

Brown, Alson  
Guaraldi, Lawrence  
Mirski, Paul  
Tucker, John

Brown, Channing  
Hill, Richard  
Scanlan, David

**HILLSBOROUGH**

Aksten, Cheryl  
Arnold, Thomas, Jr.  
Bridgewater, Charles  
Cepaitis, Elizabeth  
Daniels, Gary  
Dokmo, Cynthia  
Emerton, Lawrence, Sr.  
Francoeur, Gary  
Gotham, Rita  
Hart, Nick  
Holt, David  
Kelley, Robert  
LaRose, Richard  
Luebker, Bernard  
McCarty, Winston  
Milligan, Robert  
Packard, Bonnie  
Riley, Frances  
Showerman, Peter  
Wells, Peter, Sr.  
Wright, George

Alukonis, David  
Barry, Janet  
Brundige, Robert  
Chabot, Robert  
Desmarais, Vivian  
Durham, Susan  
Feng, David  
Franks, Suzan  
Goulet, Maurice  
Herman, Keith  
Holt, Mark  
Krochmal, Mark  
Legacy, Earl  
MacGillivray, Jeffrey  
McMahon, Donald  
Mittelman, David  
Pappas, Marc  
Sallada, Roland  
Sullens, Joan  
Wheeler, Robert

Amidon, Eleanor  
Belvin, William  
Burke, M. Virginia  
Champagne, Norma  
Desrosiers, William  
Dyer, Merton  
Ferguson, Charles  
Gagnon, Eugene  
Hallyburton, Margaret  
Holden, Carol  
Hunter, Bruce  
Kurk, Neal  
Letendre, Evelyn  
MacIntyre, Doris  
McRae, Karen  
Morello, Michael  
Pepino, Leo  
Sargent, Maxwell  
Taylor, Paul  
White, Donald

Andrews, Frederick  
Boutin, David  
Calawa, Leon, Jr.  
Clegg, Robert, Jr.  
Dodge, Emma  
Dykstra, Leona  
Fields, Dennis  
Gibson, John  
Hansen, Herbert  
Holley, Sylvia  
Jean, Loren  
L'Heureux, Robert  
Lozeau, Donnalee  
Marcinkowski, Michael  
Mercer, Robert  
O'Hearn, Jane  
Peters, Stanley  
Searles, Stanley, Sr.  
Thulander, O. Alan  
Worthen, Dorothy

**MERRIMACK**

Adams, Stephen  
Chandler, Earle  
Holmes, Mary

Barberia, Richard  
Chandler, John  
Kennedy, Richard

Brown, Mary  
Feuerstein, Martin  
Lamach, Bernard

Buessing, Marjorie  
Hess, David  
Langer, Ray

Little, Michael  
Pfaff, Terence  
Warner, Richard

Lockwood, Robert  
Pitman, Mary Ellen  
Whalley, Michael

Nichols, Avis  
Shaw, Randall  
Whittemore, James

Patenaude, Amy  
Varsalone, Robert  
Willis, Jack

### ROCKINGHAM

Aranda, M. Kathryn  
Beaulieu, Jon  
Camm, Kevin  
Clark, Vivian  
Dowling, Patricia  
Fesh, Robert  
Gargiulo, Louis  
Hawkins, Robert  
Katsakiores, George  
Kruse, Fred  
Lupien, James  
McKinney, Betsy  
Packard, Sherman  
Ross, James  
Smith, Arthur  
Sytek, John  
Weyler, Kenneth

Arndt, Janet  
Belanger, Ronald  
Carson, Gregory  
Conroy, Janet  
Dube, LeRoy  
Flanagan, Natalie  
Gleason, John  
Henderson, Warren  
Katsakiores, Phyllis  
Langley, Jane  
Magoon, Harold  
Moore, Benjamin  
Pratt, Katharin  
Scanlon, Edward  
Stone, Joseph  
Tufts, J. Arthur  
Yennaco, Carol

Attar, Kevin  
Bishop, Franklin  
Case, Margaret  
Dodge, Robert  
Dunham, Vivian  
Flanders, David  
Goddard, Warren  
Hurst, Sharleene  
Klemm, Arthur, Jr.  
Lee, Rebecca  
Malcolm, Ken  
Morris, Debbie  
Putnam, Ed, II  
Senter, Merilyn  
Stritch, C. Donald  
Weare, Everett

Battles, Marjorie  
Boucher, William  
Christie, Andrew, Jr.  
Dolan, Richard  
Felch, Charles, Sr.  
Flanders, John, Sr.  
Gorman, Donald  
Johnson, Robert  
Kobel, Rudolph  
Lovejoy, Marian  
McCarthy, John, Jr.  
Noyes, Richard  
Raynowska, Bernard  
Simmons, John Anthony  
Sytek, Donna  
Welch, David

### STRAFFORD

Douglass, Clyde  
Spear, Barbara

Hanlon, Mark  
Torr, Ann

McKinley, Robert  
Torr, Franklin

Reynolds, Charles  
Wasson, Richard

### SULLIVAN

Adler, Rudolf  
Peyron, Fredrik

Behrens, Thomas  
Schotanus, Merle

Flint, Gordon  
Scott, Robert

Krueger, Richard

and the motion failed.

Reps. Weeks and McCann offered a floor amendment.

### Floor Amendment (2022L)

Amend the bill by replacing all after the enacting clause with the following:

#### 1 Purpose.

I. The general court recognizes the need to facilitate the development of a more efficient state government to ensure that the needs of the citizens of the state are met at the lowest possible cost. This is especially true within the largest department of state government, the department of health and human services. Certain administrative and organizational changes are required to effect management efficiencies within the department and to establish the basis for operations in the era of streamlined government. The changes are also required to ensure that the department is more effective in fulfilling its basic mission through consolidating and redirecting financial and human resources.

II. The general court further recognizes that actions may be taken on the federal level which affect the scope and direction of many programs and services now provided by the department. These changes are expected to be implemented quickly and may require major administrative and program adjustments. The department should be given authority to develop a plan to rework the structure of the department to enable the necessary response to federal actions while assuring the most benefits for citizens of this state.

III. The general court recognizes that the department is facing increasing costs that must be addressed while preserving the capacity of the department to serve those residents of this state who are poor, infirm, disable, or otherwise in need of assistance.

IV. It is the intent of the general court to give the department of health and human services the ability to meet the challenges set forth above, for a limited period of time and pursuant to a reorganization plan which shall be subject to legislative review and approval. Such a plan shall not add new burdens to counties, cities, and towns of New Hampshire.

## 2 Responsibilities of the Department; Special Legislative Session.

I. On or before October 1, 1995, the department of health and human services shall develop a plan for reorganization of the department of health and human services and for addressing any existing or projected deficit within the department's budget. The plan shall define the administrative and program structure for the department best designed to carry out the responsibilities of the department in the most effective and efficient manner. The plan shall show how the financial and human resources of the department will be best deployed to implement the programs and services of the department. It is expected that existing organizational boundaries and categories within the department will be altered in the restructuring process.

II. The department of health and human services shall submit the reorganization plan for the department to the house and senate finance committees on or before October 1, 1995. The committees shall conduct a joint public hearing on the plan in no less than 10 days of submission of the plan. Within 10 days after conclusion of the joint public hearing on the plan, the committees shall prepare such legislation as is necessary to put into effect such parts of the plan as are recommended by the committees. The senate president and the speaker of the house shall call their respective bodies into session no later than November 1, 1995, to consider the legislation prepared by the committees relative to the department of health and human services plan.

III. Subject to the prior approval of the fiscal committee and the governor, in the interim between the effective date of this act and November 1, the department, in order to effectuate immediate efficiencies, is authorized to do the following:

(a) Reduce the number of department classified and unclassified personnel in filled positions, transfer personnel and positions within or between divisions, bureaus, and offices within the department.

(b) Transfer functions, powers, duties, and responsibilities within or between divisions, bureaus, and offices within the department.

(c) Transfer between divisions, bureaus, and offices equipment and supplies of the department.

IV. Nothing in this act shall authorize or allow actions which mandate or assign any new, expanded, or modified program or responsibility for any political subdivision in violation of part I, article 28-a of the constitution of the state of New Hampshire.

3 Severability. If any provision of this act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications and to this end the provisions of this act are severable.

4 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill requires the department of health and human services to develop a plan for reorganization of the department on or before October 1, 1995. Under this bill, the general court is to meet in special session to consider the plan no later than November 1, 1995. The bill provides for certain interim measures to be undertaken by the department during the interim time period.

Reps. Weeks, McCann, Keans and Hawkins spoke in favor.

Rep. Kurk spoke against.

Rep. Channing Brown spoke against and yielded to questions.

Rep. Ann Torr requested a roll call; sufficiently seconded. The question being the adoption of the floor amendment.

**YEAS 144 - NAYS 214**

**YEAS 144**

**BELKNAP**

Dewhirst, Glenn

**CARROLL**

Lyman, L. Randy

**CHESHIRE**

Burnham, Daniel  
Kingsbury, H. Thayer  
Pratt, Irene  
Russell, Ronald

Champagne, Richard  
Lynch, Margaret  
Richardson, Barbara  
Wollner, Robert

DePecol, Benjamin  
Manning, Joseph  
Riley, William

Doucette, Richard  
McGuirk, Paul  
Robertson, Timothy

**COOS**

Bradley, Paula  
Mears, Edgar

Davis, Perley  
St. Hilaire, Paul

Hawkinson, Marie

Mayhew, Josephine

**GRAFTON**

Below, Clifton  
Ham, Bonnie  
Phinney, William

Chase, Paul, Jr.  
Lovett, Sidney  
Tucker, John

Copenhaver, Marion  
Mirski, Paul

Crory, Elizabeth  
Nordgren, Sharon

**HILLSBOROUGH**

Ahern, Richard  
Bergeron, Normand  
Clemons, Jane  
Foster, Linda  
Hall, Betty  
Johnson, Lionel  
Lozeau, DonnaLee  
Melcher, Harold  
Perkins, Paul  
Soucy, Richard  
Turgeon, Roland

Allen, W. Gordon  
Bridgewater, Charles  
Cote, David  
Francoeur, Gary  
Hallyburton, Margaret  
Kirby, Thomas  
MacIntyre, Doris  
Messier, Irene  
Philbrook, Paula  
Streeter, Janice  
Wells, Peter, Sr.

Asselin, Robert  
Buckley, Raymond  
Drabinowicz, A. Theresa  
Goulet, Maurice  
Hussey, Mary  
Laughlin, J. Francis  
Martin, Mary  
O'Rourke, Joanne  
Reidy, Frank  
Taylor, Paul  
Wheeler, Craig

Baroody, Benjamin  
Clegg, Robert, Jr.  
Dwyer, Paul, Sr.  
Haettenschwiller, Alphonse  
Jean, Claudette  
Lefebvre, Roland  
McCarthy, William  
Packard, Bonnie  
Soucy, Donna  
Toomey, Kathryn  
White, John

**MERRIMACK**

Chandler, Charles  
Dunn, Miriam  
Moore, Carol  
Rogers, Katherine  
Weeks, John, Jr.

Crosby, Toni  
Fraser, Marilyn  
Morrill, Olive  
Shaw, Randall  
Yeaton, Charles

Daneault, Gabriel  
Lamach, Bernard  
Newland, Matthew  
Trombly, Rick

DeStefano, Stephen  
MacKay, James  
Owen, Derek  
Wallner, Mary Jane

**ROCKINGHAM**

Bishop, Franklin  
Clark, Vivian  
Gage, Beverly  
Katsakiores, Phyllis  
Packard, Sherman  
Vaughn, Charles

Carson, Gregory  
Coes, Betsy  
Hawkins, Robert  
Kelley, Jane  
Sabella, Norma  
Weare, Everett

Christie, Andrew, Jr.  
Conroy, Janet  
Henderson, Warren  
Lupien, James  
Splaine, James

Clark, Martha  
Dowling, Patricia  
Kane, Cecelia  
McGovern, Cynthia  
Syracusa, Anthony

**STRAFFORD**

Berube, Roger  
DeChane, Marlene  
Hilliard, Dana  
Lundborn, Raymond  
Pelletier, Arthur  
Vincent, Francis

Brown, George  
Dunlap, Patricia  
Keans, Sandra  
McCann, William, Jr.  
Snyder, Clair

Callaghan, Frank  
Grassie, Anne  
Knowles, William  
Merrill, Amanda  
Sullivan, Henry

Chagnon, Ronald  
Hemon, Roland  
Loder, Suzanne  
Merritt, Deborah  
Tessimond, Shane

**SULLIVAN**

Allison, David  
Palmer, Lorraine

Cloutier, John  
Stettenheim, Sandy

Flint, Gordon  
Whipple, Allen

Lindblade, Eric

**NAYS 214****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert

Boriso, Thomas  
Hurt, George

Cain, Thomas  
Johnson, James

Golden, Paul  
Laflam, Robert

Lawton, David  
Smith, Linda  
Ziegler, Alice

Lawton, Robert  
Thomas, John

Rice, Thomas, Jr.  
Turner, Robert

Rosen, Ralph  
Wendelboe, Francine

### CARROLL

Babson, David, Jr.  
Cooper, Kipp  
Kenney, Joseph

Beach, Mildred  
Dickinson, Howard, Jr.  
Mock, Henry

Bradley, Jeb  
Foster, Robert  
Patten, Betsey

Chandler, Gene  
Howard, Godfrey  
Philbrick, Donald

### CHESHIRE

Avery, Stephen  
Hunt, John  
Royce, H. Charles

Cole, Stacey  
Laurent, John  
Smith, Edwin

Delano, Robert  
McNamara, Wanda  
Steere, Myron, III

Feuer, Joseph  
Metzger, Katherine

### COOS

Guay, Lawrence

Horton, Lynn

Merrill, Gerald

Pratt, Leighton

### GRAFTON

Adams, Carl  
Cobbin, Philip  
Larson, Nils, Jr.  
Trelfa, Richard

Bean, Pamela  
Guaraldi, Lawrence  
MacNeil, Allen

Brown, Alson  
Hill, Richard  
Scanlan, David

Brown, Channing  
LaMott, Paul  
Teschner, Douglass

### HILLSBOROUGH

Aksten, Cheryl  
Arnold, Thomas, Jr.  
Brundige, Robert  
Chabot, Robert  
Desrosiers, William  
Dyer, Merton  
Ferguson, Charles  
Gibson, John  
Herman, Keith  
Holt, Mark  
Krochmal, Mark  
Legacy, Earl  
Marcinkowski, Michael  
Mercer, Robert  
O'Hearn, Jane  
Riley, Frances  
Showerman, Peter  
White, Donald

Alukonis, David  
Barry, Janet  
Burke, M. Virginia  
Champagne, Norma  
Dodge, Emma  
Dykstra, Leona  
Fields, Dennis  
Gotham, Rita  
Holden, Carol  
Hunter, Bruce  
Kurk, Neal  
Letendre, Evelyn  
McCarty, Winston  
Milligan, Robert  
Pappas, Marc  
Sallada, Roland  
Sullens, Joan  
Worthen, Dorothy

Amidon, Eleanor  
Belvin, William  
Calawa, Leon, Jr.  
Daniels, Gary  
Dokmo, Cynthia  
Emerton, Lawrence, Sr.  
Franks, Suzan  
Hansen, Herbert  
Holley, Sylvia  
Jean, Loren  
L'Heureux, Robert  
Luebker, Bernard  
McMahon, Donald  
Mittelman, David  
Pepino, Leo  
Sargent, Maxwell  
Thulander, O. Alan  
Wright, George

Andrews, Frederick  
Boutin, David  
Cepaitis, Elizabeth  
Desmarais, Vivian  
Durham, Susan  
Feng, David  
Gagnon, Eugene  
Hart, Nick  
Holt, David  
Kelley, Robert  
LaRose, Richard  
MacGillivray, Jeffrey  
McRae, Karen  
Morello, Michael  
Peters, Stanley  
Searles, Stanley, Sr.  
Wheeler, Robert

### MERRIMACK

Adams, Stephen  
Chandler, Earle  
Holmes, Mary  
Lockwood, Robert  
Pitman, Mary Ellen  
Whittemore, James

Barberia, Richard  
Chandler, John  
Kennedy, Richard  
Nichols, Avis  
Varsalone, Robert  
Willis, Jack

Brown, Mary  
Feuerstein, Martin  
Langer, Ray  
Patenaude, Amy  
Warner, Richard

Buessing, Marjorie  
Hess, David  
Little, Michael  
Pfaff, Terence  
Whalley, Michael

### ROCKINGHAM

Aranda, M. Kathryn  
Beaulieu, Jon  
Case, Margaret  
Dunham, Vivian  
Flanders, David  
Goddard, Warren

Arndt, Janet  
Belanger, Ronald  
Dodge, Robert  
Felch, Charles, Sr.  
Flanders, John, Sr.  
Gorman, Donald

Attar, Kevin  
Boucher, William  
Dolan, Richard  
Fesh, Robert  
Gargiulo, Louis  
Hurst, Sharleene

Battles, Marjorie  
Camm, Kevin  
Dube, LeRoy  
Flanagan, Natalie  
Gleason, John  
Johnson, Robert

Katsakiores, George  
Langley, Jane  
McCarthy, John, Jr.  
Pratt, Katharin  
Senter, Merilyn  
Stritch, C. Donald  
Welch, David

Klemm, Arthur, Jr.  
Lovejoy, Marian  
McKinney, Betsy  
Putnam, Ed, II  
Simmons, John Anthony  
Sytek, Donna  
Yennaco, Carol

Kobel, Rudolph  
Magoon, Harold  
Morris, Debbie  
Ross, James  
Smith, Arthur  
Sytek, John

Kruse, Fred  
Malcolm, Ken  
Noyes, Richard  
Scanlon, Edward  
Stone, Joseph  
Tufts, J. Arthur

### STRAFFORD

Douglass, Clyde  
Spear, Barbara

Hanlon, Mark  
Torr, Ann

McKinley, Robert  
Torr, Franklin

Reynolds, Charles  
Wasson, Richard

### SULLIVAN

Adler, Rudolf  
Schotanus, Merle

Behrens, Thomas  
Scott, Robert

Krueger, Richard

Peyron, Fredrik

and the floor amendment failed.

Report adopted and ordered to third reading.

Rep. Carson voted yea and intended to vote nay.

Rep. Musler declared a conflict of interest and did not participate.

### PETITION

April 6, 1995

Karen O. Wadsworth, Clerk of the House

Part 2, Article 24 of the New Hampshire Constitution guarantees that "any member of the senate, or house of representatives, shall have a right, on motion made at the time for that purpose to have his protest, or dissent, with the reasons, against any vote, resolve, or bill passed, entered on the journal."

The undersigned Democratic members of the House, therefore, wish to have the following objections to HB 55 entered on the journal.

Rick A. Trombly, House Democratic Leader

### OBJECTIONS TO HOUSE BILL 55

1. The provision of HB 55, as amended, authorizing the Commissioner of the Department of Health and Human Services, with approval of the Fiscal Committee of the General Court and the Governor, to act "notwithstanding any other provisions of law" to effectuate changes in the operations and programs of the Department of Health and Human Services, and permitting the Commissioner to change, suspend, ignore or otherwise circumvent existing law, constitutes a transfer of legislative power to a department in the executive branch and is in violation of the separation of powers clause in Part I, Article 37 of the New Hampshire Constitution.
2. The provision of HB 55, as amended authorizing the Commissioner of the Department of Health and Human Services, with approval of the Fiscal Committee of the General Court and the Governor, to act "notwithstanding any other provisions of law" to effectuate changes in the operations and programs of the Department of Health and Human Services, and permitting the Commissioner to change, suspend, ignore or otherwise circumvent existing law, constitutes a transfer of judicial power to a department in the executive branch and is in violation of the separation of powers clause in Part I, Article 37 of the New Hampshire Constitution.
3. The provision of HB 55, as amended, empowering the Fiscal Committee of the General Court to approve actions taken "notwithstanding any other provisions of law" by the Commissioner of the Department of Health and Human Services, permitting the amendment, alteration, suspension or contravention of existing law, constitutes a wholesale shifting of legislative power from the entire General Court to a group of ten legislators and is in violation of the requirement that lawmaking authority of the government may be exercised only by a quorum of the two bodies of the General Court as provided for Part II, Articles 20 and 37 of the New Hampshire Constitution.

4. The provision of HB 55, as amended, that the Senate President and Speaker of the House shall call their respective bodies into session to consider legislation relative to the Department of Health and Human Services, after the Commissioner of that department, notwithstanding any other provisions of law, but with the approval of the Fiscal Committee of the General Court and the Governor, has made changes in departmental organization and programs, violates the prohibition against retrospective laws in Part I, Article 23 of the New Hampshire Constitution
5. The provision of HB 55, as amended, granting authority to the Commissioner of the Department of Health and Human Services to act "notwithstanding any other provisions of law," but with the approval of the Fiscal Committee of the General Court and the Governor, constitutes a suspension of laws that violates Part I, Article 29 of the New Hampshire Constitution.

Richard F. Ahern (D-Manchester)  
 David C. Allison (D-Claremont)  
 Benjamin C. Baroody (D-Manchester)  
 Normand R. Bergeron (D-Nashua)  
 Paula E. Bradley (D-Randolph)  
 Raymond Buckley (D-Manchester)  
 Frank D. Callaghan (D-Rochester)  
 Richard L. Champagne (D-Keene)  
 Martha Fuller Clark (D-Portsmouth)  
 John R. Cloutier (D-Claremont)  
 Marion L. Copenhagen (D-Etna)  
 Peter R. Cote (D-Nashua)  
 Henry W. Coulombe (D-Berlin)  
 Elizabeth L. Crory (D-Hanover)  
 Gabriel J. Daneault (D-Allenstown)  
 Jim DePecol (D-Keene)  
 Richard F. Doucette (D-Keene)  
 Miriam D. Dunn (D-Concord)  
 Linda T. Foster (D-Mont Vernon)  
 Anne Grassie (D-Rochester)  
 Alphonse Haettenschwiller (D-Nashua)  
 Patricia A. Hambrick (D-Lee)  
 Roland E. Hemon (D-Dover)  
 Mary E. Hussey (D-Manchester)  
 Lionel W. Johnson (D-Manchester)  
 Jane Kelley (D-Hampton)  
 Thomas J. Kirby (D-Pelham)  
 J. Francis Laughlin (D-Manchester)  
 Suzanne K. Loder (D-Durham)  
 Raymond A. Lundborn (D-Rochester)  
 William H. McCann, Jr. (D-Dover)  
 Cynthia A. McGovern (D-Portsmouth)  
 Edgar H. Mears (D-Berlin)  
 Amanda A. Merrill (D-Durham)  
 Carol Moore (D-Concord)  
 Sharon L. Nordgren (D-Hanover)  
 Derek Owen (D-Hopkinton)  
 Laura C. Pantelakos (D-Portsmouth)  
 Paula L. Philbrook (D-Nashua)  
 Frank J. Reidy (D-Manchester)  
 William A. Riley (D-Marlborough)  
 Katherine D. Rogers (D-Concord)  
 Clair A. Snyder (D-Somersworth)  
 Richard A. Soucy (D-Nashua)

W. Gordon Allen (D-Antrim)  
 Robert P. Asselin (D-Manchester)  
 Clifton C. Below (D-Lebanon)  
 Roger Berube (D-Somersworth)  
 George F. Brown (D-Rochester)  
 Daniel M. Burnham (D-Dublin)  
 Ronald R. Chagnon (D-Farmington)  
 Charles W. Chandler (D-Northfield)  
 Jane A. Clemons (D-Nashua)  
 Betsy A. Coes (D-Newfields)  
 David E. Cote (D-Nashua)  
 Anne M. Coughlin (D-Concord)  
 Yvonne Coulombe (D-Berlin)  
 Toni Crosby (D-Concord)  
 Marlene M. DeChane (D-Barrington)  
 Steve DeStefano (D-Bow)  
 Theresa Drabinowicz (D-Nashua)  
 Paul J. Dwyer, Sr. (D-Manchester)  
 Marilyn A. Fraser (D-Concord)  
 Robert H. Guest (D-Hanover)  
 Betty B. Hall (D-Brookline)  
 Marie C. Hawkinson (D-Berlin)  
 Dana S. Hilliard (D-Somersworth)  
 Claudette R. Jean (D-Nashua)  
 Cecelia D. Kane (D-Portsmouth)  
 H. Thayer Kingsbury (D-Keene)  
 William V. Knowles (D-Dover)  
 Roland J. Lefebvre (D-Nashua)  
 Sid Lovett (D-Holderness)  
 Josephine Mayhew (D-Groveton)  
 William J. McCarthy (D-Manchester)  
 Paul A. McGuirk (D-North Walpole)  
 Hal Melcher (D-Wilton)  
 Deborah F. Merritt (D-Durham)  
 Matthew J. Newland (D-Concord)  
 Joanne A. O'Rourke (D-Manchester)  
 Lorraine R. Palmer (D-Claremont)  
 Arthur J. Pelletier (D-Dover)  
 Irene A. Pratt (D-Winchester)  
 Barbara H. Richardson (D-Richmond)  
 Timothy N. Robertson (D-Keene)  
 Ronald G. Russell (D-Keene)  
 Donna M. Soucy (D-Manchester)  
 James R. Splaine (D-Portsmouth)

Sandy Stettenheim (D-Plainfield)  
 Anthony Syracuse (D-Portsmouth)  
 Kathryn W. Toomey (D-Nashua)  
 Roland M. Turgeon (D-Manchester)  
 Francis C. Vincent (D-Somersworth)  
 Mary Jane Wallner (D-Concord)  
 C. Michael Wheeler (D-Nashua)  
 John M. White (D-Manchester)  
 Robert K. Wollner (D-Keene)

Henry P. Sullivan (D-Farmington)  
 Shane E. Tessimond (D-Dover)  
 Rick A. Trombly (D-Boscawen)  
 Charles L. Vaughn (D-Portsmouth)  
 Janet G. Wall (D-Madbury)  
 Katherine W. Wheeler (D-Durham)  
 Allen Whipple (D-Claremont)  
 Howard Williams (D-Dover)  
 Charles B. Yeaton (D-Epsom)

### LAI D ON THE TABLE

Rep. Trombly moved that **HR 22**, requesting an opinion of the justices concerning the constitutionality of HB 55-FN-A, be laid on the table.

Rep. Ann Torr spoke in favor.

Adopted.

### REGULAR CALENDAR (Cont'd)

**HB 57**, granting the governor reorganization authority to reduce state general fund appropriations. **INEXPEDIENT TO LEGISLATE**

Rep. Karen K. McRae for Finance: The committee felt that the subject matter of this bill could best be dealt with through the regular budget process. Vote 24-2.

Rep. Frances Riley spoke in favor.

Rep. Gibson requested a roll call; sufficiently seconded. The question being the adoption of the report.

### YEAS 268 - NAYS 75

#### YEAS 268

#### BELKNAP

Bartlett, Gordon  
 Holbrook, Robert  
 Smith, Linda

Boriso, Thomas  
 Hurt, George  
 Turner, Robert

Cain, Thomas  
 Lawton, David  
 Ziegra, Alice

Golden, Paul  
 Lawton, Robert

#### CARROLL

Babson, David, Jr.  
 Cooper, Kipp  
 Kenney, Joseph

Beach, Mildred  
 Dickinson, Howard, Jr.  
 Lyman, L. Randy

Bradley, Jeb  
 Foster, Robert  
 Patten, Betsey

Chandler, Gene  
 Howard, Godfrey  
 Philbrick, Donald

#### CHESHIRE

Avery, Stephen  
 Doucette, Richard  
 Lynch, Margaret  
 Metzger, Katherine  
 Royce, H. Charles

Burnham, Daniel  
 Feuer, Joseph  
 Manning, Joseph  
 Richardson, Barbara  
 Russell, Ronald

Champagne, Richard  
 Hunt, John  
 McGuirk, Paul  
 Riley, William  
 Smith, Edwin

DePecol, Benjamin  
 Kingsbury, H. Thayer  
 McNamara, Wanda  
 Robertson, Timothy  
 Wollner, Robert

#### COOS

Bradley, Paula  
 Horton, Lynn

Davis, Perley  
 Mayhew, Josephine

Guay, Lawrence  
 Mears, Edgar

Hawkinson, Marie  
 Pratt, Leighton

#### GRAFTON

Adams, Carl  
 Brown, Channing  
 LaMott, Paul  
 Nordgren, Sharon  
 Trelfa, Richard

Bean, Pamela  
 Copenhaver, Marion  
 Larson, Nils, Jr.  
 Phinney, William  
 Tucker, John

Below, Clifton  
 Guaraldi, Lawrence  
 Lovett, Sidney  
 Scanlan, David

Brown, Alson  
 Ham, Bonnie  
 Mirski, Paul  
 Teschner, Douglass

#### HILLSBOROUGH

Ahern, Richard  
 Amidon, Eleanor

Aksten, Cheryl  
 Andrews, Frederick

Allen, W. Gordon  
 Asselin, Robert

Alukonis, David  
 Barody, Benjamin



Barry, Janet  
 Brundige, Robert  
 Chabot, Robert  
 Desrosiers, William  
 Durham, Susan  
 Emerton, Lawrence, Sr.  
 Franks, Suzan  
 Hallyburton, Margaret  
 Holt, David  
 Johnson, Lionel  
 LaRose, Richard  
 MacIntyre, Doris  
 McRae, Karen  
 Milligan, Robert  
 Packard, Bonnie  
 Sallada, Roland  
 Streeter, Janice  
 Turgeon, Roland

Belvin, William  
 Buckley, Raymond  
 Champagne, Norma  
 Dodge, Emma  
 Dwyer, Paul, Sr.  
 Ferguson, Charles  
 Gagnon, Eugene  
 Hansen, Herbert  
 Hunter, Bruce  
 Kelley, Robert  
 Laughlin, J. Francis  
 Marcinkowski, Michael  
 Melcher, Harold  
 Morello, Michael  
 Pappas, Marc  
 Sargent, Maxwell  
 Sullens, Joan  
 Wheeler, Craig

Bergeron, Normand  
 Calawa, Leon, Jr.  
 Clemons, Jane  
 Dokmo, Cynthia  
 Dyer, Merton  
 Fields, Dennis  
 Goulet, Maurice  
 Hart, Nick  
 Hussey, Mary  
 Kirby, Thomas  
 Lefebvre, Roland  
 Martin, Mary  
 Mercer, Robert  
 O'Hearn, Jane  
 Perkins, Paul  
 Searles, Stanley, Sr.  
 Thulander, O. Alan  
 Wheeler, Robert

Boutin, David  
 Cepaitis, Elizabeth  
 Cote, David  
 Drabinowicz, A. Theresa  
 Dykstra, Leona  
 Foster, Linda  
 Haettenschwiller, Alphonse  
 Holden, Carol  
 Jean, Claudette  
 L'Heureux, Robert  
 MacGillivray, Jeffrey  
 McCarty, Winston  
 Messier, Irene  
 O'Rourke, Joanne  
 Peters, Stanley  
 Soucy, Donna  
 Toomey, Kathryn  
 White, John

### MERRIMACK

Barberia, Richard  
 Daneault, Gabriel  
 Fraser, Marilyn  
 Little, Michael  
 Nichols, Avis  
 Rogers, Katherine  
 Whalley, Michael

Chandler, Earle  
 DeStefano, Stephen  
 Hess, David  
 MacKay, James  
 Owen, Derek  
 Trombly, Rick  
 Whittemore, James

Chandler, John  
 Dunn, Miriam  
 Holmes, Mary  
 Moore, Carol  
 Patenaude, Amy  
 Wallner, Mary Jane  
 Willis, Jack

Crosby, Toni  
 Feuerstein, Martin  
 Lamach, Bernard  
 Morrill, Olive  
 Pfaff, Terence  
 Warner, Richard  
 Yeaton, Charles

### ROCKINGHAM

Aranda, M. Kathryn  
 Belanger, Ronald  
 Christie, Andrew, Jr.  
 Conroy, Janet  
 Dube, LeRoy  
 Gargiulo, Louis  
 Hawkins, Robert  
 Kane, Cecelia  
 Klemm, Arthur, Jr.  
 Lupien, James  
 Packard, Sherman  
 Senter, Marilyn  
 Stritch, C. Donald  
 Vaughn, Charles

Attar, Kevin  
 Boucher, William  
 Clark, Martha  
 Dodge, Robert  
 Flanagan, Natalie  
 Gleason, John  
 Henderson, Warren  
 Katsakiores, George  
 Kruse, Fred  
 Magoon, Harold  
 Pratt, Katharin  
 Simmons, John Anthony  
 Syracuse, Anthony  
 Weare, Everett

Battles, Marjorie  
 Carson, Gregory  
 Clark, Vivian  
 Dolan, Richard  
 Flanders, John, Sr.  
 Goddard, Warren  
 Hurst, Sharleene  
 Katsakiores, Phyllis  
 Langley, Jane  
 McCarthy, John, Jr.  
 Sabella, Norma  
 Splaine, James  
 Sytek, Donna

Beaulieu, Jon  
 Case, Margaret  
 Coes, Betsy  
 Dowling, Patricia  
 Gage, Beverly  
 Gorman, Donald  
 Johnson, Robert  
 Kelley, Jane  
 Lovejoy, Marian  
 McGovern, Cynthia  
 Scanlon, Edward  
 Stone, Joseph  
 Tufts, J. Arthur

### STRAFFORD

Berube, Roger  
 DeChane, Marlene  
 Hilliard, Dana  
 Lundborn, Raymond  
 Pelletier, Arthur  
 Tessimond, Shane  
 Wasson, Richard

Brown, George  
 Dunlap, Patricia  
 Keans, Sandra  
 McKinley, Robert  
 Snyder, Clair  
 Torr, Ann

Callaghan, Frank  
 Grassie, Anne  
 Knowles, William  
 Merrill, Amanda  
 Spear, Barbara  
 Torr, Franklin

Chagnon, Ronald  
 Hemon, Roland  
 Loder, Suzanne  
 Merritt, Deborah  
 Sullivan, Henry  
 Vincent, Francis

### SULLIVAN

Adler, Rudolf  
 Flint, Gordon  
 Peyron, Fredrik

Allison, David  
 Krueger, Richard  
 Schotanus, Merle

Behrens, Thomas  
 Lindblade, Eric  
 Stettenheim, Sandy

Cloutier, John  
 Palmer, Lorraine  
 Whipple, Allen

**NAYS 75****BELKNAP**

Dewhirst, Glenn  
Thomas, John

Johnson, James  
Wendelboe, Francine

Laffam, Robert

Rice, Thomas, Jr.

**CARROLL**

Mock, Henry

**CHESHIRE**

Delano, Robert

Laurent, John

Steere, Myron, III

**COOS**

Merrill, Gerald

St. Hilaire, Paul

**GRAFTON**

Chase, Paul, Jr.

Cobbin, Philip

Hill, Richard

MacNeil, Allen

**HILLSBOROUGH**

Arnold, Thomas, Jr.  
Daniels, Gary  
Gibson, John  
Holt, Mark  
Legacy, Earl  
Mittelman, David  
Soucy, Richard  
Wright, George

Bridgewater, Charles  
Desmarais, Vivian  
Gotham, Rita  
Jean, Loren  
Letendre, Evelyn  
Pepino, Leo  
Taylor, Paul

Burke, M. Virginia  
Feng, David  
Herman, Keith  
Krochmal, Mark  
Luebker, Bernard  
Reidy, Frank  
White, Donald

Clegg, Robert, Jr.  
Francoeur, Gary  
Holley, Sylvia  
Kurk, Neal  
McMahon, Donald  
Riley, Frances  
Worthen, Dorothy

**MERRIMACK**

Adams, Stephen  
Langer, Ray

Brown, Mary  
Pitman, Mary Ellen

Buessing, Marjorie  
Shaw, Randall

Kennedy, Richard  
Varsalone, Robert

**ROCKINGHAM**

Arndt, Janet  
Felch, Charles, Sr.  
Malcolm, Ken  
Putnam, Ed, II  
Welch, David

Bishop, Franklin  
Fesh, Robert  
McKinney, Betsy  
Ross, James  
Yennaco, Carol

Camm, Kevin  
Flanders, David  
Morris, Debbie  
Smith, Arthur

Dunham, Vivian  
Kobel, Rudolph  
Noyes, Richard  
Sytek, John

**STRAFFORD**

Douglass, Clyde

Hanlon, Mark

Reynolds, Charles

**SULLIVAN**

Scott, Robert

and the report was adopted.

Rep. Musler declared a conflict of interest and did not participate.

**HB 58-FN-A**, increasing the supervision and service charge for parolees and probationers, and establishing a corrections supervision revolving fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: The majority of the committee felt that increasing the fee from \$17 to \$40 and increasing supervision for alternative sentences was a worthwhile goal. However, it should be accomplished in the normal budget process. Vote 20-7.

**Amendment (2020L)**

Amend the title of the bill by replacing it with the following:

**AN ACT**

increasing the supervision and service charge  
for parolees and probationers.

Amend the bill by replacing all after section 1 with the following:

2 Supervision Fees; Distribution Changed. RSA 504-A:13, II is repealed and reenacted to read as follows:

II. Monthly supervision fees collected under this section shall be deposited as follows:

(a) \$5 to the police standards and training council training fund to defray expenses of providing training to employees of the department of corrections.

(b) The balance to be credited to the general fund.

3 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill increases the supervision and service charges for parolees and probationers. The bill also changes the distribution of the supervision fees.

Adopted.

Rep. O'Rourke spoke against.

Rep. Robert Wheeler spoke in favor

Report adopted and ordered to third reading.

**HB 59-FN-L**, relative to children's services and pertaining to delinquent children, abused and neglected children, children in need of services, and financial responsibility for certain expenses.

**OUGHT TO PASS WITH AMENDMENT**

Rep. Mary Jane Wallner for Finance: The Committee supports the work of the Judiciary and Family Law Committee which gave this bill extensive study. The amendment added by the Finance Committee says that no action to close the Tobey School can be taken until the study committee report is issued. No updated financial information on the bill, as amended by the Judiciary and Family Law Committee, was available at the time of the hearing. Vote 15-12.

#### Amendment (2056L)

Amend the bill by replacing section 8 with the following:

8 Study Committee Established.

I. There is established a committee whose membership shall consist of the house committee on judiciary and family law to study issues relating to privatizing the youth development center and the youth services center, and closing the Tobey School.

II. The committee shall report its findings and any recommendations for proposed legislation to the governor, the senate president, the speaker of the house, the senate clerk, the house clerk, and the state library on or before October 1, 1995.

III. Notwithstanding any other provision of law, no action shall be taken to close the Tobey School until the study committee report has been issued.

Adopted.

Report adopted and ordered to third reading.

**HB 60-FN**, relative to health care and pertaining to certificate of need requirements, the health care transition fund, the children's health plan, participation in the medicaid health insurance program, primary preventive health services, and medicaid and disability coverage, and repealing certain programs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles W. Ferguson for Finance: This bill, as amended, converts the earlier Health Care Transition Fund to a permanent trust fund, and utilizes interest income from the fund to support some planning operations of the Health and Human Services Department and prioritized health care programs. The amendment appropriates funds from the trust income to support programs and makes nursing home medicare dual certification voluntary. Vote 14-12.

#### Amendment (2064L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to health care and making certain appropriations therefor and pertaining to certificate of need requirements, the health care transition fund, the children's health plan, participation in the medicaid health insurance program, primary preventive health services, and medicaid and disability coverage, and repealing certain programs.

Amend the bill by replacing section 5 with the following:

5 New Subdivision; Participation in Medicare. Amend RSA 167 by inserting after section 75 the following new subdivision:

### Participation in Medicare

#### 167:76 Participation in Medicare.

I. Any licensed nursing facility, as defined in RSA 151-C:2, XXVI, with over 50 beds which participates in the Medicaid program may participate in the Medicare health insurance for the aged program as a skilled nursing facility.

II. Any nursing facility which participates in the Medicare health insurance for the aged program shall:

(a) File an application to become a Medicare provider by October 1, 1995.

(b) Follow required federal procedures for certification and enrollment to become certified and enrolled within 90 days of the department's recommendation for certification.

(c) Participate in the Medicare program and bill Medicare for care provided to eligible recipients prior to billing Medicaid.

III. The director, division of public services, shall adopt rules pursuant to RSA 541-A, relative to:

(a) A practical number of Medicare beds, not less than 5 percent and not greater than 20 percent, needed in each of the long-term care service areas as defined in rules of the health services planning and review board to ensure the participation of nursing facilities in the Medicare health insurance for the aged program.

(b) An incentive program to ensure the practical number of beds in each region as defined in RSA 167:76, III(a).

IV. In the event that RSA 167:76, III(a) and (b) do not achieve the practical number of applications for Medicare beds in each service area by January 1, 1996, then the director shall adopt rules requiring mandatory participation by licensed nursing facilities with over 50 beds in those service areas which do not achieve the practical number of applications.

Amend the bill by replacing section 20 with the following:

#### 20 Appropriation.

I. The sum of \$793,888 for the fiscal year ending June 30, 1996, and the sum of \$951,868 for the fiscal year ending June 30, 1997, are hereby appropriated to the division of human services, department of health and human services, for the purposes of RSA 167:74, II(a) as inserted by section 4 of this act. The commissioner of health and human services is authorized to use these sums to establish 22 full-time classified positions.

II. The sum of \$1,838,200 for the fiscal year ending June 30, 1996, and the sum of \$1,922,600 for the fiscal year ending June 30, 1997, are hereby appropriated to the division of public health services, department of health and human services, for the purposes of section 9 of this act.

III. The sum of \$5,250,000 for the fiscal year ending June 30, 1996, of which \$4,000,000 shall be for the purposes of RSA 167:74, II(c) as inserted by section 4 of this act and \$1,250,000 shall be for the purposes of section 15 of this act, and the sum of \$3,625,532 for the fiscal year ending June 30, 1997, of which \$3,000,000 shall be for the purposes of RSA 167:74, II(c) as inserted by section 4 of this act and \$625,532 shall be for the purposes of section 15 of this act are hereby appropriated to the office of the commissioner of the department of health and human services.

IV. The sums appropriated under this section shall be a charge against the income from the health care transition fund established in RSA 167:71.

#### 21 Effective Date.

I. Sections 8 and 10 of this act shall take effect July 1, 1999.

II. Sections 5 and 7 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect July 1, 1995.

### AMENDED ANALYSIS

This bill:

I. Changes the purposes of the health care transition fund.

II. Authorizes certain grants to be made from the health care transition fund.

III. Requires the director of public health services to develop a primary preventive health program.

IV. Repeals certain programs and lapses the funds into the health care transition fund.

V. Requires the commissioner of health and human services to request a federal waiver for the purpose of establishing a subsidized insurance program.

VI. Eliminates an exemption for the increase or conversion of beds under the certificate of need law.

VII. Repeals the golden granite state discount card program.

VIII. Makes appropriations for certain health-care-related purposes of the bill.

Adopted.

Rep. Nordgren spoke against.

Rep. Schotanus spoke in favor and yielded to questions.

Report adopted and ordered to third reading.

**HB 238**, relative to the health care transition fund. INEXPEDIENT TO LEGISLATE

Rep. Frances L. Riley for Finance: It was the feeling of the committee that this bill would be redundant in that it would simply be a restatement of the original intent of the fund. Vote 16-6.

Adopted.

**HB 508-FN**, relative to liability insurance coverage for foster parents. OUGHT TO PASS WITH AMENDMENT

Rep. Robert L. Wheeler for Finance: It was felt by the entire committee that this bill properly directs responsibility for risk and appropriately handles the fiscal aspects of both risk and defense. Vote 26-0.

#### Amendment (2045L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to liability insurance coverage and  
defense expenses for foster parents.

Amend the bill by replacing all after the enacting clause with the following:

1 Duties of Director of Human Services; Liability Insurance; Foster Care Providers Deleted.

Amend RSA 161:4, III to read as follows:

III. LIABILITY INSURANCE. The director of the division of human services, department of health and human services, or [his] designee [is hereby authorized] *shall have the authority*, after consultation with the [commissioner of] insurance *department and the bureau of risk management, and in accordance with the procedures established by the commissioner of administrative services under RSA 21-I:8, II(e)*, to [enter into a contract with an insurance company to] purchase personal liability coverage for individuals providing [foster care for children and] care to adults [residing] *receiving assistance from the division who reside* in certified residential care facilities. *The amount and nature of this insurance coverage may vary in the discretion of the commissioner of administrative services.*

2 New Paragraphs; Director of Children, Youth, and Families Powers and Duties; Liability Self-Insurance for Foster Parents. Amend RSA 170-G:3 by inserting after paragraph V the following new paragraph:

VII. The director shall have authority, after consultation with the insurance department and the bureau of risk management, and in accordance with the procedures established by the commissioner of administrative services under RSA 21-I:8, II(e), to purchase insurance coverage for the benefit of individuals providing foster care to children within the jurisdiction of the division. The amount and nature of this insurance coverage may vary in the discretion of the commissioner of administrative services.

VII.(a) Any amounts appropriated for foster parents' defense expenses shall be used for the following purposes:

(1) To pay claims made in writing to the division by foster parents who have suffered property damage which was caused by foster children placed in the claimant's care by the division to the extent that such damage is not covered by insurance coverage or other sources of indemnification and in no event to exceed \$500 per claim.

(2) To pay claims made in writing to the division by foster parents who have suffered personal injury to themselves or other immediate family members under their care which was

caused by foster children placed in the claimant's care by the division to the extent that such damage is not covered by insurance coverage or other sources of indemnification and in no event to exceed \$1,000 per claim.

(3) To pay legal defense expenses of foster parents who are named as defendants in judicial proceedings in which liability is based in whole or in part upon the alleged negligent performance of duties or responsibilities associated with the care of a foster child placed with the defendant by the division. Only legal defense expenses shall be paid under this paragraph, and no funds shall be available for the settlement or compromise of claims or payment of judgments, provided that in no event shall more than \$10,000 be expended for the defense of any single action or group of related actions brought against a foster parent. Claims for payment of legal defense expenses shall be in writing and shall cover only expenses incurred after the claim has been approved and the attorney general has designated the legal counsel who will undertake the defense.

(b) No payment shall be made under subparagraph (a)(1) or (2) unless the division investigates the claim and the director, or the director's designee, recommends to the bureau of risk management that the claim, or some portion of the claim, be paid. If the bureau of risk management determines that the claim meets the requirements of this paragraph and is reasonable in amount, the commissioner of administrative services, or the commissioner's designee, shall authorize such payment.

(c) No payment shall be made under subparagraph (a)(3) unless the division investigates the claim and the director, or the director's designee, determines the foster parent did not act intentionally, willfully or recklessly, and recommends to the bureau of risk management that the claim, or some portion of the claim, be paid. If the bureau of risk management determines that the claim meets the requirements of this paragraph, the attorney general shall be notified and shall select a qualified attorney to provide legal representation and defense to the claimant subject to the dollar limitations of subparagraph II(c), the recommendations of the bureau of risk management, and the attorney general's own experience and expertise. The commissioner of administrative services, or the commissioner's designee, shall authorize payment of such amounts as are approved by the attorney general.

(d) The director, the commissioner of administrative services, and the attorney general shall have authority to adopt rules, pursuant to RSA 541-A, for the proper implementation of their responsibilities under this paragraph.

3 Foster Parents Included as "Volunteers" for Purposes of Limited Liability. Amend RSA 508:17, V(c) to read as follows:

(c) "Volunteer" means an individual performing services for a nonprofit organization or government entity who does not receive compensation, other than reimbursement for expenses actually incurred for such services. *Foster parents licensed by the division for children, youth and families, department of health and human services, shall be considered volunteers for purposes of this chapter during such time as they actually have a duly placed foster child in their care, and the placement of such a child alone shall constitute the prior written approval required by paragraph I.* In the case of volunteer athletic coaches or sports officials, such volunteers shall possess proper certification or validation of competence in the rules, procedures, practices, and programs of the athletic activity. *RSA 99-D, relative to the defense and indemnification of state officers and employees, shall not apply to volunteers as defined in this paragraph.*

#### 4 Appropriation.

I. There is hereby appropriated to the division of children, youth, and families for fiscal years ending June 30, 1996, and June 30, 1997, the sum of \$1, to be expended for the purpose of providing defense expenses for foster parents under RSA 170-G:3, VII. The division is authorized to transfer funds already appropriated to the division to cover expenses up to \$35,000.

II. Any expenses which exceed \$35,000 are hereby appropriated to the division for the purpose of providing defense expenses for foster parents under RSA 170-G:3, VII.

III. The governor is authorized to draw a warrant for the sums in paragraphs I and II out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill transfers the authorization to contract for liability insurance for foster parents from the director of human services to the director of children, youth, and families and expands the types of liability insurance to include comprehensive liability coverage. It also includes foster parents as volunteers for purposes of limited liability.

An appropriation of \$1 is authorized for the fiscal years ending in 1996 and 1997, and the division is authorized to transfer funds already authorized for legal defense expenses for foster parents.

Adopted.

Report adopted and ordered to third reading.

**HB 650-FN-A**, concerning youth access to tobacco and making an appropriation therefor. **ADOPTED TO PASS WITH AMENDMENT**

Rep. Donna M. Soucy for Finance: The committee amendment removes all provisions relating to "sting" operations, as well as the appropriation for the compliance officer position in liquor enforcement. The fee structure is revised and the license fee is reduced from the original \$50 to \$20 for two years based on the number of cash registers. The revolving fund is deleted from the bill. As amended, the bill provides for better enforcement of our current laws on youth access to tobacco, and enhances our ability to access federal funds for alcohol-and-drug-abuse prevention. Vote 21-4.

**Amendment (2062L)**

Amend RSA 78:2 as inserted by section 2 of the bill by replacing them with the following:

I. Each manufacturer, wholesaler, sub-jobber, vending machine operator, owner of a vending machine premises, retailer or sampler shall secure a license from the department of revenue administration before engaging in the business of selling or distributing tobacco products in this state or continuing to engage in such business.

II. Licenses issued under RSA 78:2 shall expire on June 30 in each even-numbered year, unless sooner revoked or unless the business in respect to which the license was issued should change ownership.

III. A separate tobacco license is required for each business premises where tobacco products are distributed, kept, or offered for sale.

IV. The fees for licenses shall be: \$100 for a manufacturer's license; \$250 for a wholesaler's license; \$150 for a sub-jobber's license; \$20 for a sampler's license; \$70 for a vending machine operator's license; \$20 for each vending machine premises; \$20 for a vending machine retailer's license; and a tobacco retailer's license calculated at \$20 for each cash register in a tobacco retailer's location.

V. The licensing agency shall provide any person applying for a tobacco license with educational materials which summarize:

(a) Current New Hampshire law regarding tobacco sales.

(b) The enforcing agency's program of enforcing the law.

(c) The retailer's responsibilities in regard to tobacco sales.

VI. Notwithstanding RSA 21-J:14, information regarding tobacco licensees shall be public record.

VII. The licensing agency shall make it possible for persons to obtain a tobacco license through the mail. The licensing agency shall issue a license upon application stating such information necessary to identify the outlet and the character of the business transacted.

VIII. A tobacco license may be suspended or revoked after notice and hearing pursuant to RSA 541-A if there are unpaid fines or penalties resulting from violations of this chapter.

IX. A tobacco license shall not be renewed if there are unpaid fines or penalties resulting from violations of this chapter.

Amend RSA 78 as inserted by section 2 of the bill by deleting RSA 78:30 and 78:33 and renumbering the original RSA 78:31 and 78:32 to read as RSA 78:30 and 78:31, respectively.

Amend the bill by deleting sections 3 and 5 and by renumbering the original section 4, 6 and 7 to read as 3, 4 and 5, respectively.

Adopted.

Reps. Pepino and Dykstra spoke against.

Rep. Kurk spoke in favor and yielded to questions.

Reps. Donna Soucy and Donna Sytek spoke in favor.

Rep. Donna Sytek requested a roll call; sufficiently seconded. The question being the adoption of the report.

## YEAS 240 - NAYS 102

### YEAS 240

#### BELKNAP

Bartlett, Gordon  
Lafam, Robert  
Turner, Robert

Cain, Thomas  
Rice, Thomas, Jr.  
Ziegler, Alice

Holbrook, Robert  
Rosen, Ralph

Johnson, James  
Smith, Linda

#### CARROLL

Beach, Mildred  
Howard, Godfrey

Bradley, Jeb  
Kenney, Joseph

Cooper, Kipp  
Lyman, L. Randy

Foster, Robert  
Philbrick, Donald

#### CHESHIRE

Burnham, Daniel  
Doucette, Richard  
Lynch, Margaret  
Pratt, Irene  
Royce, H. Charles

Champagne, Richard  
Hunt, John  
Manning, Joseph  
Richardson, Barbara  
Russell, Ronald

Cole, Stacey  
Kingsbury, H. Thayer  
McGuirk, Paul  
Riley, William  
Smith, Edwin

Delano, Robert  
Laurent, John  
Metzger, Katherine  
Robertson, Timothy  
Wollner, Robert

#### COOS

Bradley, Paula  
Merrill, Gerald

Davis, Perley  
Pratt, Leighton

Guay, Lawrence

Horton, Lynn

#### GRAFTON

Adams, Carl  
Brown, Channing  
Ham, Bonnie  
MacNeil, Allen  
Tucker, John

Bean, Pamela  
Chase, Paul, Jr.  
Hill, Richard  
Nordgren, Sharon

Below, Clifton  
Copenhaver, Marion  
Larson, Nils, Jr.  
Scanlan, David

Brown, Alson  
Crory, Elizabeth  
Lovett, Sidney  
Teschner, Douglass

#### HILLSBOROUGH

Ahern, Richard  
Andrews, Frederick  
Bridgewater, Charles  
Cepaitis, Elizabeth  
Desmarais, Vivian  
Dwyer, Paul, Sr.  
Francoeur, Gary  
Haettenschwiller, Alphonse  
Hart, Nick  
Holt, Mark  
Kurk, Neal  
Legacy, Earl  
Martin, Mary  
Mercer, Robert  
O'Hearn, Jane  
Sallada, Roland  
Soucy, Donna  
Turgeon, Roland  
White, John

Allen, W. Gordon  
Arnold, Thomas, Jr.  
Brundige, Robert  
Chabot, Robert  
Dokmo, Cynthia  
Emerton, Lawrence, Sr.  
Franks, Suzan  
Hall, Betty  
Holden, Carol  
Jean, Claudette  
L'Heureux, Robert  
Letendre, Evelyn  
McCarty, Winston  
Milligan, Robert  
O'Rourke, Joanne  
Sargent, Maxwell  
Streeter, Janice  
Wheeler, Craig

Alukonis, David  
Baroody, Benjamin  
Buckley, Raymond  
Clemons, Jane  
Drabinowicz, A. Theresa  
Ferguson, Charles  
Gagnon, Eugene  
Hallyburton, Margaret  
Holley, Sylvia  
Kelley, Robert  
LaRose, Richard  
Lozeau, Donnalee  
McMahon, Donald  
Mittelman, David  
Peters, Stanley  
Searles, Stanley, Sr.  
Sullens, Joan  
Wheeler, Robert

Amidon, Eleanor  
Belvin, William  
Calawa, Leon, Jr.  
Cote, David  
Durham, Susan  
Foster, Linda  
Gotham, Rita  
Hansen, Herbert  
Holt, David  
Kirby, Thomas  
Lefebvre, Roland  
MacIntyre, Doris  
Melcher, Harold  
Morello, Michael  
Philbrook, Paula  
Showerman, Peter  
Taylor, Paul  
White, Donald

#### MERRIMACK

Adams, Stephen  
Chandler, Earle

Brown, Mary  
Chandler, John

Buessing, Marjorie  
Coughlin, Anne

Chandler, Charles  
Crosby, Toni



Daneault, Gabriel  
Holmes, Mary  
Moore, Carol  
Rogers, Katherine  
Wallner, Mary Jane  
Willis, Jack

DeStefano, Stephen  
Lamach, Bernard  
Morrill, Olive  
Shaw, Randall  
Warner, Richard  
Yeaton, Charles

Fraser, Marilyn  
Little, Michael  
Newland, Matthew  
Trombly, Rick  
Whalley, Michael

Hess, David  
Lockwood, Robert  
Nichols, Avis  
Varsalone, Robert  
Whittemore, James

### ROCKINGHAM

Arndt, Janet  
Boucher, William  
Christie, Andrew, Jr.  
Conroy, Janet  
Flanders, John, Sr.  
Henderson, Warren  
Kelley, Jane  
Magoon, Harold  
Pratt, Katharin  
Simmons, John Anthony  
Sytek, Donna  
Welch, David

Attar, Kevin  
Camm, Kevin  
Clark, Martha  
Dube, LeRoy  
Gage, Beverly  
Hurst, Sharleene  
Kruse, Fred  
Malcolm, Ken  
Ross, James  
Splaine, James  
Sytek, John  
Yennaco, Carol

Battles, Marjorie  
Carson, Gregory  
Clark, Vivian  
Dunham, Vivian  
Gleason, John  
Johnson, Robert  
Langley, Jane  
McCarthy, John, Jr.  
Sabella, Norma  
Stone, Joseph  
Tufts, J. Arthur

Bishop, Franklin  
Case, Margaret  
Coes, Betsy  
Flanagan, Natalie  
Hawkins, Robert  
Kane, Cecelia  
Lovejoy, Marian  
Noyes, Richard  
Scanlon, Edward  
Syracusa, Anthony  
Vaughn, Charles

### STRAFFORD

Callaghan, Frank  
Grassie, Anne  
Knowles, William  
Merritt, Deborah  
Spear, Barbara  
Torr, Franklin

Chagnon, Ronald  
Hemon, Roland  
Loder, Suzanne  
Musler, George  
Sullivan, Henry

DeChane, Marlene  
Hilliard, Dana  
Lundborn, Raymond  
Pelletier, Arthur  
Tessimond, Shane

Douglass, Clyde  
Keans, Sandra  
Merrill, Amanda  
Snyder, Clair  
Torr, Ann

### SULLIVAN

Allison, David  
Palmer, Lorraine  
Whipple, Allen

Behrens, Thomas  
Peyron, Fredrik

Cloutier, John  
Schotanus, Merle

Lindblade, Eric  
Stettenheim, Sandy

### NAYS 102

### BELKNAP

Boriso, Thomas  
Thomas, John

Dewhirst, Glenn  
Wendelboe, Francine

Lawton, David

Lawton, Robert

### CARROLL

Babson, David, Jr.

Mock, Henry

Patten, Betsey

### CHESHIRE

Feuer, Joseph

McNamara, Wanda

Steere, Myron, III

### COOS

Hawkinson, Marie

Mayhew, Josephine

Mears, Edgar

St. Hilaire, Paul

### GRAFTON

Cobbin, Philip  
Phinney, William

Guaraldi, Lawrence  
Trelfa, Richard

LaMott, Paul

Mirski, Paul

### HILLSBOROUGH

Aksten, Cheryl  
Boutin, David  
Daniels, Gary  
Dykstra, Leona

Asselin, Robert  
Burke, M. Virginia  
Desrosiers, William  
Feng, David

Barry, Janet  
Champagne, Norma  
Dodge, Emma  
Fields, Dennis

Bergeron, Normand  
Clegg, Robert, Jr.  
Dyer, Merton  
Gibson, John

Goulet, Maurice  
Johnson, Lionel  
MacGillivray, Jeffrey  
Packard, Bonnie  
Reidy, Frank  
Toomey, Kathryn

Herman, Keith  
Krochmal, Mark  
Marcinkowski, Michael  
Pappas, Marc  
Riley, Frances  
Wells, Peter, Sr.

Hunter, Bruce  
Laughlin, J. Francis  
McRae, Karen  
Pepino, Leo  
Soucy, Richard  
Wright, George

Jean, Loren  
Luebker, Bernard  
Messier, Irene  
Perkins, Paul  
Thulander, O. Alan

### MERRIMACK

Barberia, Richard  
Langer, Ray

Dunn, Miriam  
Owen, Derek

Feuerstein, Martin  
Patenaude, Amy

Kennedy, Richard  
Pitman, Mary Ellen

### ROCKINGHAM

Aranda, M. Kathryn  
Dolan, Richard  
Flanders, David  
Katsakiores, Phyllis  
Packard, Sherman  
Stritch, C. Donald

Beaulieu, Jon  
Dowling, Patricia  
Goddard, Warren  
Kobel, Rudolph  
Putnam, Ed, II  
Weare, Everett

Belanger, Ronald  
Felch, Charles, Sr.  
Gorman, Donald  
McKinney, Betsy  
Senter, Marilyn

Dodge, Robert  
Fesh, Robert  
Katsakiores, George  
Morris, Debbie  
Smith, Arthur

### STRAFFORD

Berube, Roger  
McKinley, Robert

Brown, George  
Reynolds, Charles

Dunlap, Patricia  
Vincent, Francis

Hanlon, Mark  
Wasson, Richard

### SULLIVAN

Adler, Rudolf

Krueger, Richard

Scott, Robert

and the report was adopted.

Rep. Klemm declared a conflict of interest and did not participate.

Rep. Thomas voted nay and intended to vote yes.

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 261, 315 and 381.

Rep. Tufts, Sen. Currier for the Committee

### RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, April 11, 1995 at 1:00 p.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 211-L**, changing the school foundation aid distribution formula, and providing for sweepstakes powerball revenue to be used for state aid to education.

**SB 16**, relative to the powers of fiduciaries in environmental matters.

**HB 52-FN-L**, changing the age for application of the delinquency provisions from 18 to 17.

**HB 54-FN**, relative to the permanently and totally disabled and aid to families with dependent children.

**HB 55-FN-A**, to address anticipated budget shortfalls in the department of health and human services.

**HB 58-FN-A**, increasing the supervision and service charge for parolees and probationers.

**HB 59-FN-L**, relative to children's services and pertaining to delinquent children, abused and neglected children, children in need of services, and financial responsibility for certain expenses.

**HB 60-FN**, relative to health care and making certain appropriations therefor and pertaining to certificate of need requirements, the health care transition fund, the children's health plan, participation in the medicaid health insurance program, primary preventive health services, and medicaid and disability coverage, and repealing certain programs.

**HB 508-FN**, relative to liability insurance coverage and defense expenses for foster parents.

**HB 650-FN-A**, concerning youth access to tobacco and making an appropriation therefor.

### UNANIMOUS CONSENT

Rep. Guay addressed the House.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 5:20 p.m.

### RECESS

Rep. Cole moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 16**

Tuesday, April 11, 1995

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

Almighty God, we gather as one body yet each one of us is strangely solitary in Your presence. Each comes with special hopes and dreams, personal worries and concerns. Each of us has prayer no one else can utter; each of us feels a joy no one else can share; each of us has regrets which others can not know. Yet we are bound together to serve the land and people of New Hampshire, and to encourage one another in our common tasks. When we are weary, give us strength. When we are discouraged, give us hope. When we have been careless with others' feelings, forgive us. In all that we do, warm us with Your mercy and inspire us with Your spirit. Amen.

Rep. Douglass led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Dechane, Bridgewater, Alson Brown, Holley, Healy, Laura Kane, Peter Cote, Searles, Lovejoy, Chabot, Barry, DePecol and Golden, the day, illness.

Reps. David Flanders, Streeter, Hilliard, Lupien, Bean, Musler, Claudette Jean, Mirski, Mark Holt, John Sytek, McCann, Ralph Torr, Copenhaver, Sargent, Hanlon, Paula Philbrook, Charles Cote and Martha Fuller Clark, the day, important business.

Rep. Katherine Wheeler, the day, death in the family.

**INTRODUCTION OF GUESTS**

Alfred Johnson, guest of Rep. Whipple. Sandra Johnson, guest of Rep. Fraser. Lloyd Graves, guest of Rep. Eaton. Senior nursing students from St. Anselm College, guests of Rep. Emerton.

**SENATE MESSAGE****CONCURRENCE**

**HB 51-FN**, naming a certain segment of New Hampshire route 101 the Jay McDuffee Highway.

**HB 104**, extending the reporting date for the committee to examine the development of interactive communication systems among the public schools established by 1994, 352:1, and adding entities to which the report shall be made.

**HB 118-FN**, expanding activities permitted under special hunting licenses for persons 68 years of age or older.

**HB 121**, relative to the definition of "wrongful dishonor" under article 4 of the uniform commercial code.

**HB 126**, establishing a student activity center account for the New Hampshire technical institute.

**HB 127**, relative to the statement which must be signed by applicants for notary public or justice of the peace.

**HB 134**, amending the charter of the union school district of Keene.

**HB 195**, authorizing the department of safety to impose administrative fines on certain safety inspection stations.

**HB 198-L**, relative to school district participation in capital improvement programs.

**HB 202**, relative to minimum capital requirements for savings banks and trust companies.

**HB 205-L**, relative to university of New Hampshire cooperative extension programs.

**HB 213**, relative to license surrender by lenders regulated by the banking department.

**HB 215**, relative to fees charged by mortgage lenders and brokers, requirements for disclosures by mortgage lenders, and an exemption from first mortgage lender licensing requirements.

**HB 216**, requiring sales finance companies to file annual reports with the bank commissioner.

**HB 234**, relative to savings bank investments.

**HB 257**, relative to the minimum shoreland protection standards.

**HB 344**, relative to the New Hampshire automated information system board.

**HB 427-FN**, increasing bail commissioners' fees and relative to educational requirements for bail commissioners.

**HB 432**, relative to retail sellers of motor vehicles and sales finance companies which execute retail installment contracts for purchases of motor vehicles and relative to certain fees.

**HB 443-FN**, making technical changes in liquor laws.

**HB 515-FN**, authorizing the liquor commission to determine the location of agency stores, repealing the liquor and wine import warehouse license, and prohibiting liquor/wine/beverage warehouse licensees from holding other licenses under title XIII.

**HB 579-FN**, requiring the executive director of fish and game to report to the general court relative to the bear and moose management funds.

**HCR 4**, relative to the Republic of China on Taiwan.

**HJR 3**, urging the members of Congress to implement the recommendations of the Northern Forest Lands Council.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

**SB 31**, relative to participation in the National Association of Insurance Commissioners' insurance regulatory information system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard H. Krueger for Commerce, Small Business, Consumer Affairs and Economic Development: This bill brings into line, requirements for all insurers in the state of New Hampshire to file their annual reports so that the N.H. Insurance Department remains in compliance with, and receives certification from the National Association of Insurance Commissioners. This certification enhances the ability of the Insurance Department to monitor all insurers doing business in this state. Vote 15-0.

### Amendment (1887L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to failure of insurers to file annual statements when due.

Amend the bill by replacing section 1 with the following:

1 New Section; Revocation of Certificate of Authority. Amend RSA 400-A by inserting after section 36-c the following new section:

400-A:36-d Revocation of Certificate of Authority. The commissioner may suspend, revoke or refuse to renew the certificate of authority of any insurer failing to file its annual statement when due or within any extension of time which the commissioner, for good cause, may have granted.

### AMENDED ANALYSIS

This bill allows the insurance commissioner to suspend, revoke, or refuse to renew the certificate of authority of any insurer who does not file a timely annual statement.

**SB 78**, relative to funeral directors' burial plan funds. **OUGHT TO PASS**

Rep. Richard H. Krueger for Commerce, Small Business, Consumer Affairs and Economic Development: This bill updates and specifies practices that funeral directors will exercise, concerning trust funds for prearranged funerals. The codification of these practices is in the best interest of the consumer because the trust may be transferred or revoked at any time. Vote 15-0.

**SB 83**, allowing on-sale beverage and wine licensees to provide dancing on their licensed premises. **OUGHT TO PASS**

Rep. Phyllis M. Katsakiores for Regulated Revenues: This bill makes technical changes in liquor laws to allow dancing in designated areas on licensed premises. These premises are allowed to assess cover charges for any live entertainment. This bill also had the approval of the liquor commission. Vote 15-0.

### REGULAR CALENDAR

**SB 23**, limiting the liability of municipalities operating facilities for skateboarding, rollerblading or rollerskiing. **OUGHT TO PASS WITH AMENDMENT**

Rep. Barbara Hull Richardson and Rep. Nick Hart for Judiciary and Family Law: The committee had some question concerning the applicability of RSA 508:14 to cover liability on municipal facilities for skateboarding, rollerblading or rollerskiing. The committee concluded that these activities might not be covered under RSA 508:14. There is no cost involved to the state or the municipalities, and does provide a safer area for children for recreational purposes. Vote 13-3.

#### Amendment (1921L)

Amend RSA 507-B:11 as inserted by section 1 of the bill by replacing it with the following:  
507-B:11 Municipal Facilities for Skateboarding, Rollerblading, or Rollerskiing. A municipality, which without charge permits any person to use a facility operated by the municipality for the purpose of skateboarding, rollerblading, or rollerskiing, shall not be liable for personal injury or property damage resulting from the person's participation in such activity, in the absence of gross and wanton negligence.

Adopted.

Report adopted and ordered to third reading.

**SB 76-FN**, exempting family entertainment centers from gambling prohibitions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Betsy M. McKinney for Regulated Revenues: This bill allows video poker machines in amusement centers and arcades for redemption purposes only. This bill defines family entertainment center, limits the number of redemption poker machines and limits the redemption credit to 2 1/2 cents. The amendment changes the effective date from January 1, 1996 to the date of passage. Vote 15-1.

#### Amendment (2086L)

Amend the bill replacing section 4 with the following:

4 Effective Date. This act shall take effect upon its passage.

Rep. Wells requested a roll call; not sufficiently seconded.

Adopted.

Report adopted and ordered to third reading.

### BUDGET BRIEFING

Reps. Channing Brown, Frank Torr, Klemm, Schotanus, Kurk and Ferguson briefed the House on the budget and yielded to questions.

The House of Representatives offered the following:

### HOUSE RESOLUTION NO. 23

memorializing former Representative Chrysoula A. Katsiaficas

WHEREAS, Chrysoula A. Katsiaficas, known affectionately to all as Chris, was born and raised in Cairo, Egypt, lived on the Greek island of Samos, and then settled in Nashua, New Hampshire, and

WHEREAS, Chris Katsiaficas, between the years of 1981 and 1986, did serve three terms in the New Hampshire House of Representatives, representing the voters of Nashua, and

WHEREAS, Chris Katsiaficas did serve as a delegate to the White House Conference on Aging, as a member of the Governor's Committee on Aging, as a delegate to the 1980 Democratic National Convention, and was named 1981 Woman of the Year by the New Hampshire Federation of Business and Professional Women's Clubs, and

WHEREAS, Chris Katsiaficas was an active community volunteer who co-founded the Hospice Program of Nashua, and was a founder and 10-year member of the Nashua Rape and Assault Crisis Center and

WHEREAS, Chris Katsiaficas did graduate from the New England Conservatory of Music and did receive a bachelors degree in music education from the Peabody Conservatory of Johns Hopkins University and did become a successful teacher of music, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Chrysoula A. Katsiaficas be recognized for a lifetime of outstanding and contributory achievements, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to her family.

Unanimously adopted by a rising vote of silent prayer.

### RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 13, 1995 at 1:00 p.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**SB 31**, relative to participation in the National Association of Insurance Commissioners' insurance regulatory information system.

**SB 78**, relative to funeral directors' burial plan funds.

**SB 83**, regarding on-sale beverage and wine licensees to provide dancing on their licensed premises.

**SB 23**, limiting the liability of municipalities operating facilities for skateboarding, rollerblading or rollerskiing.

**SB 76**, exempting family entertainment centers from gambling prohibitions.

### UNANIMOUS CONSENT

Rep. Lefebvre addressed the House.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 3:15 p.m.

### RECESS

#### (Rep. Hunt in the Chair)

### RESOLUTION

Rep. Bonnie Packard offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 10, 121, 123, 130, 133, 137, 146, 151, 152, 154, 156, 157, 159, 161, 162 and 172, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF SENATE BILLS

#### First, second reading and referral

**SB 10-FN-A**, establishing a committee to study the chancellor's office of the university system and related matters and making an appropriation therefor. (Education)

**SB 121-FN-A**, establishing a pilot program to recover all fees and costs paid by the state for guardian ad litem services in divorce actions and making an appropriation therefor. (Judiciary and Family Law)

**SB 123-FN-A**, establishing a committee which shall develop a master plan for the Laconia state school property. (Public Works and Highways)

**SB 130**, relative to the Uniform Trustees' Powers Act. (Judiciary and Family Law)

**SB 133-FN-A**, establishing a pollution prevention program in the department of environmental services and making an appropriation therefor. (Environment and Agriculture)

**SB 137-FN**, creating an interstate insurance receivership compact. (Commerce, Small Business, Consumer Affairs and Economic Development)

**SB 146-FN-A**, relative to court procedures and clarifying that certain payments to guardians ad litem shall be made by the state and making an appropriation therefor. (Judiciary and Family Law)

**SB 151-FN-L**, relative to the management of retirement system funds. (Executive Departments and Administration)

**SB 152-FN**, relative to fees for filing documents with the insurance department. (Commerce, Small Business, Consumer Affairs and Economic Development)

**SB 154-FN-L**, relative to the appointment, powers and duties of medical examiners and to the authority of the chief medical examiner. (Judiciary and Family Law)

**SB 156-FN-A**, establishing a committee to study the issues of lead abatement and relative to certain lead abatement issues. (Health, Human Services and Elderly Affairs)

**SB 157-FN-L**, placing probation-parole officers in group II in the New Hampshire retirement system. (Executive Departments and Administration)

**SB 159-FN**, establishing the department of youth development services, transferring responsibility of the youth services center and youth development center from the division for children, youth, and families to the department of youth development services and abolishing the bureau of residential services, division for children and youth services. (Judiciary and Family Law)

**SB 161-FN**, relative to cost of living adjustments for retired firefighters. (Executive Departments and Administration)

**SB 162-FN**, relative to guardianships of minors and estates of minors. (Judiciary and Family Law)

**SB 172-FN-A**, authorizing a liquor store in the town of Derry and making an appropriation therefor. (Regulated Revenues)

Rep. Cole moved that the House adjourn.

Adopted.



## HOUSE JOURNAL No. 17

Thursday, April 13, 1995

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of life and love, it is not always easy to see the worth of our work or to perceive its lasting value for future generations, but we pray that You will help us to be truly faithful to the possibilities and tasks of this day, to be fully present to each moment and meeting, so that having done our work with patience and hope, generations to come shall reflect upon the legacy of our time together and give thanks for our thoughtfulness and labor. Amen.

Rep. Frank Torr led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Dolan, Nehring, Healy, Laura Kane, Peter Cote, Dechane, Barry, Chabot, Drabinowicz, Golden, Lovejoy, Searles, Teschner and Bridgewater, the day, illness.

Reps. Dewhirst, Eaton, DePecol, Cobbin, Thomas Cain, Belvin, Pfaff, Moncrief, Mirski, McCann, Phyllis Katsakiores, Hurt, Mark Holt, McKay and Allen, the day, important business.

Reps. Charles Cote, Gotham, Perkins, John McCarthy and Coughlin, the day, illness in the family.

### INTRODUCTION OF GUESTS

Clayton W. Stark and Sharon Guaraldi, guests of Rep. Guaraldi. Former Rep. William Kincaid and his son, William Kincaid, Jr., guests of Rep. Sullivan. Joy Allan, guest of Rep. Paula Bradley. Bonnie Riley, wife of Rep. William Riley. Former Rep. Alphonse Plourde, guest of the House.

### COMMUNICATION

April 1995

To the House of Representatives:

May I take this opportunity of the visit to your esteemed House by Mrs. Joy Allan to extend greetings and good wishes of the people of Kirkcaldy District to the House and those it represents.

There has always been a special relationship between our countries and our people and I am sure the goodwill between us will continue into the future.

Many United States citizens visit Scotland each year and a large proportion trace their ancestry to Scotland. We are always pleased to greet United States visitors to our country and they can be assured of a very warm welcome in Kirkcaldy District.

Provost Robert King, OBE, JP.

### SENATE MESSAGES

#### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 360**, relative to absentee voting. (Amendment printed SJ 12, 4/6/95)

Rep. Flanagan moved that the House concur.

Adopted.

**HB 203**, relative to trust company commencement of business. (Amendment printed SJ 12, 4/6/95)

Rep. Bonnie Packard moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Bonnie Packard, Lindblade, Krueger and Syracuse.

**COMMITTEE REPORTS****REGULAR CALENDAR**

**HB 1-A**, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1996, and June 30, 1997. **OUGHT TO PASS WITH AMENDMENT**

Rep. Franklin G. Torr for Finance: This bill is the House spending plan for the State of New Hampshire for fiscal years 1996 and 1997. Vote 14-2.

**Amendment**

This Amendment was printed in its entirety in House Record No. 49, April 11, 1995 and is made part of this Journal by reference.

Adopted.

The Committee offered a floor amendment.

**Floor Amendment (2168L)**

Amend the positions abolished in the department of health and human services as inserted by section 10 of the bill by replacing them with the following:

Department of Health and Human Services

05-01-02-05-02	40344
05-01-05-02-01	14992 (Position to be abolished at close of business June 30, 1996)
05-01-05-02-01	30803, 30818, 40362
05-01-05-02-02	19658
05-01-05-03-01	14967, 14982
05-01-05-03-03	15161, 40364 (Positions to be abolished at close of business June 30, 1996)
05-01-05-03-03	15010, 15011, 15024, 15038, 15044, 15057, 15059, 15066, 15078, 15084, 15086, 15089, 15090, 15091, 15096, 15104, 15106, 15110, 15117, 15147, 15148, 15152, 15169, 15171, 15174, 15179, 15228, 15244, 15251, 15254, 15327, 15342, 15426, 15516, 17171, 40629
05-01-05-03-04	15049, 15312, 15436, 15439, 15451, 17153, 30727, 30781, 40358, 40359, 40360
05-01-05-03-05	15397 (Position to be abolished at close of business June 30, 1996)
05-01-05-03-05	15461
05-01-05-03-08	19179
05-01-05-04-01	14976, 40828
05-01-06-01-01	30538

Amend the bill by replacing sections 15 and 16 with the following:

15 Commissioner of the Department of Administrative Services; Reduction of Departmental General Fund Appropriations.

I. The commissioner of the department of administrative services shall reduce the total general fund appropriation for each department as defined in RSA 9:1 by 6.25 percent for fiscal year 1996 and by 2.5 percent for fiscal year 1997.

II. General fund moneys appropriated for PAU 01, 08, 04 shall be excluded from the total general fund appropriation for purposes of paragraph I.

16 Adjustment to Section 1 of Act. Amend section 1 of this act by inserting after PAU 05, 01, 03, 06 the following and adjusting the totals as necessary:

05 Health and Social Services

01 Dept of Health and Human Services

03 Div Children, Youth & Families

07 Youth Development/Youth Services

01 YDC/YSC

90 YDC/YSC Operations \*

Total

Estimated Source of Funds for

YDC/YSC

Other Funds

General Funds

*FY 1996*

*FY 1997*

\$10,094,230

\$10,605,991

\$10,094,230

\$10,605,991

\$ 2,798,080

\$ 2,897,895

\$ 7,296,150

\$ 7,708,096

\* These funds will be used to operate the youth development center and youth services center, including Tobey school. The director of the division of children, youth, and families will determine the distribution by class line and notify the department of administrative services as to the specific amounts by class line by July 2, 1995.

Total \$10,094,230 \$10,605,991

Amend the bill by inserting after section 16 the following and renumbering the original sections 17-19 to read as 18-20, respectively:

17 Authority to Fill Unfunded Positions; Department of Health and Human Services. The director of the division of children, youth, and families is hereby authorized to have the flexibility to fill any of the following unfunded positions during the biennium ending June 30, 1997, provided that the total expenditures shall not exceed the amount appropriated for YDC/YSC PAU 05, 01, 03, 07, 01 in section 16 of this act, which positions were included in YDC and YSC in the fiscal year 1995 operating budget in the following PAU's: 05, 01, 03, 07, 01; 05, 01, 03, 07, 02; 05, 01, 03, 07, 03; 05, 01, 03, 07, 04; 05, 01, 03, 07, 05; 05, 01, 03, 07, 11; 05, 01, 03, 07, 12; 05, 01, 03, 07, 13 and 05, 01, 03, 07, 14.

Rep. Channing Brown spoke in favor and yielded to questions.

Adopted.

Rep. Hemon offered a floor amendment.

#### **Floor Amendment (2171L)**

Amend the bill by inserting after section 17 the following and renumbering the original sections 18 and 19 to read as 19 and 20, respectively:

18 New Hampshire Public Television. Out of the total funds appropriated in PAU 06, 06, 01, to university system of New Hampshire, \$6,072,000 shall be transferred to New Hampshire public television which shall be inserted as PAU 06, 06, 12, class 90. The legislative budget assistant shall adjust totals as necessary.

Rep. Hemon spoke in favor.

Rep. Ferguson spoke against.

The floor amendment failed.

Rep. Hemon offered a second floor amendment.

#### **Floor Amendment (2172L)**

Amend the bill by inserting after section 17 the following and renumbering the original sections 18 and 19 to read as 19 and 20, respectively:

18 Salaries of Judges. The legislative budget assistant shall determine the total sum of a 4 percent reduction of the total amount of class line 11 in the following PAU's: 02, 01, 01; 02, 01, 02; 02, 01, 03; and 02, 01, 04 and such sum shall be transferred to the budget of the law library PAU 02, 01, 01, class line 95. The legislative budget assistant shall adjust totals as required.

Rep. Hemon spoke in favor.

Rep. Frank Torr spoke against.

The floor amendment failed.

The question now being the adoption of the report.

Reps. Dunn and Buckley spoke against and yielded to questions.

Rep. John Chandler spoke in favor.

Reps. Donald White and Trombly spoke against.

Reps. Schotanus and Channing Brown spoke in favor and yielded to questions.

Rep. Ann Torr requested a roll call; sufficiently seconded.

### **YEAS 213 - NAYS 132**

#### **YEAS 213**

#### **BELKNAP**

Bartlett, Gordon  
Lafam, Robert  
Thomas, John

Boriso, Thomas  
Lawton, David  
Turner, Robert

Holbrook, Robert  
Lawton, Robert  
Ziegler, Alice

Johnson, James  
Smith, Linda

**CARROLL**

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cooper, Kipp	Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey
Lyman, L. Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald

**CHESHIRE**

Avery, Stephen	Cole, Stacey	Delano, Robert	Feuer, Joseph
Hunt, John	Laurent, John	Manning, Joseph	McNamara, Wanda
Metzger, Katherine	Royce, H. Charles	Smith, Edwin	Steere, Myron, III

**COOS**

Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton			

**GRAFTON**

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Chase, Paul, Jr.	Connolly, Steven	Guaraldi, Lawrence	LaMott, Paul
Larson, Nils, Jr.	Lovett, Sidney	MacNeil, Allen	Phinney, William
Scanlan, David	Trelfa, Richard	Tucker, John	Williams, William, Jr.

**HILLSBOROUGH**

Aksten, Cheryl	Alukonis, David	Amidon, Eleanor	Andrews, Frederick
Boutin, David	Brundige, Robert	Burke, M. Virginia	Calawa, Leon, Jr.
Cepaitis, Elizabeth	Champagne, Norma	Clegg, Robert, Jr.	Desmarais, Vivian
Desrosiers, William	Dodge, Emma	Dokmo, Cynthia	Dyer, Merton
Dykstra, Leona	Emerton, Lawrence, Sr.	Feng, David	Fenton, James
Ferguson, Charles	Gagnon, Eugene	Gibson, John	Goulet, Maurice
Hart, Nick	Holden, Carol	Holley, Sylvia	Holt, David
Hunter, Bruce	Jean, Loren	Kelley, Robert	L'Heureux, Robert
LaRose, Richard	Legacy, Earl	Letendre, Evelyn	Luebkert, Bernard
MacGillivray, Jeffrey	MacIntyre, Doris	McCarty, Winston	McMahon, Donald
McRae, Karen	Mercer, Robert	Milligan, Robert	Mittelman, David
Morello, Michael	O'Hearn, Jane	Packard, Bonnie	Pappas, Marc
Pepino, Leo	Peters, Stanley	Riley, Frances	Sallada, Roland
Sargent, Maxwell	Showerman, Peter	Sullens, Joan	Thulander, O. Alan
Wells, Peter, Sr.	Wheeler, Robert	Worthen, Dorothy	Wright, George

**MERRIMACK**

Adams, Stephen	Barberia, Richard	Buessing, Marjorie	Chandler, Earle
Chandler, John	Crowell, Peter	Feuerstein, Martin	Hess, David
Holmes, Mary	Jacobson, Alf	Kennedy, Richard	Lamach, Bernard
Langer, Ray	Lockwood, Robert	Morrill, Olive	Nichols, Avis
Patenaude, Amy	Pitman, Mary Ellen	Shaw, Randall	Varsalone, Robert
Warner, Richard	Whalley, Michael	Whittemore, James	Willis, Jack

**ROCKINGHAM**

Aranda, M. Kathryn	Arndt, Janet	Attar, Kevin	Battles, Marjorie
Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin	Boucher, William
Camm, Kevin	Carson, Gregory	Case, Margaret	Clark, Vivian
Conroy, Janet	Cote, Patricia	Crossman, Harold, Jr.	Dodge, Robert
Dowd, Sandra	Dowling, Patricia	Dube, LeRoy	Felch, Charles, Sr.
Flanagan, Natalie	Flanders, David	Flanders, John, Sr.	Gage, Beverly
Gargiulo, Louis	Gleason, John	Goddard, Warren	Hurst, Sharleene
Johnson, Robert	Katsakiores, George	Klemm, Arthur, Jr.	Kobel, Rudolph
Langley, Jane	Lee, Rebecca	Magoon, Harold	Malcolm, Ken
McKinney, Betsy	Morris, Debbie	Nowe, Ronald	Noyes, Richard
Pratt, Katharin	Putnam, Ed, II	Raynowska, Bernard	Richards, David

Ross, James  
Smith, Arthur  
Sytek, John  
Yennaco, Carol

Scanlon, Edward  
Stone, Joseph  
Tufts, J. Arthur

Senter, Marilyn  
Stritch, C. Donald  
Welch, David

Simmons, John Anthony  
Sytek, Donna  
Weyler, Kenneth

### STRAFFORD

Douglass, Clyde  
Spear, Barbara  
Wasson, Richard

Dunlap, Patricia  
Torr, Ann

McKinley, Robert  
Torr, Franklin

Musler, George  
Torr, Ralph

### SULLIVAN

Adler, Rudolf  
Peyron, Fredrik

Behrens, Thomas  
Schotanus, Merle

Krueger, Richard  
Scott, Robert

Lindblade, Eric

### NAYS 132

### BELKNAP

Rice, Thomas, Jr.

Rosen, Ralph

Wendelboe, Francine

### CARROLL

Kenney, Joseph

### CHESHIRE

Burnham, Daniel  
Lynch, Margaret  
Riley, William

Champagne, Richard  
McGuirk, Paul  
Robertson, Timothy

Doucette, Richard  
Pratt, Irene  
Russell, Ronald

Kingsbury, H. Thayer  
Richardson, Barbara  
Wolner, Robert

### COOS

Bradley, Paula

Hawkinson, Marie

Mears, Edgar

St. Hilaire, Paul

### GRAFTON

Below, Clifton  
Ham, Bonnie

Copenhaver, Marion  
Nordgren, Sharon

Crory, Elizabeth

Guest, Robert

### HILLSBOROUGH

Ahern, Richard  
Bergeron, Normand  
Daniels, Gary  
Francoeur, Gary  
Hallyburton, Margaret  
Jean, Claudette  
Kurk, Neal  
Marcinkowski, Michael  
Messier, Irene  
Soucy, Richard  
Turgeon, Roland

Arnold, Thomas, Jr.  
Buckley, Raymond  
Durham, Susan  
Franks, Suzan  
Hansen, Herbert  
Johnson, Lionel  
Laughlin, J. Francis  
Martin, Mary  
O'Rourke, Joanne  
Streeter, Janice  
Wheeler, Craig

Asselin, Robert  
Clemons, Jane  
Dwyer, Paul, Sr.  
Haettenschwiller, Alphonse  
Herman, Keith  
Kirby, Thomas  
Lefebvre, Roland  
McCarthy, William  
Reidy, Frank  
Taylor, Paul  
White, Donald

Baroody, Benjamin  
Cote, David  
Foster, Linda  
Hall, Betty  
Hussey, Mary  
Krochmal, Mark  
Lozeau, Donnalee  
Melcher, Harold  
Soucy, Donna  
Toomey, Kathryn  
White, John

### MERRIMACK

Brown, Mary  
DeStefano, Stephen  
Newland, Matthew  
Wallner, Mary Jane

Chandler, Charles  
Dunn, Miriam  
Owen, Derek  
Weeks, John, Jr.

Crosby, Toni  
Fraser, Marilyn  
Rogers, Katherine  
Yeaton, Charles

Daneault, Gabriel  
Moore, Carol  
Trombly, Rick

### ROCKINGHAM

Abbott, Dennis  
Fesh, Robert  
Kelley, Jane  
Packard, Sherman  
Splaine, James

Clark, Martha  
Gorman, Donald  
Kruse, Fred  
Pantelakos, Laura  
Syracusa, Anthony

Coes, Betsy  
Henderson, Warren  
Lupien, James  
Rubin, George  
Vaughn, Charles

Dunham, Vivian  
Kane, Cecelia  
McGovern, Cynthia  
Sabella, Norma  
Weare, Everett

**STRAFFORD**

Berube, Roger  
Grassie, Anne  
Knowles, William  
Merritt, Deborah  
Tessimond, Shane  
Williams, Howard

Brown, George  
Hambrick, Patricia  
Loder, Suzanne  
Pelletier, Arthur  
Vincent, Francis

Callaghan, Frank  
Hemon, Roland  
Lundborn, Raymond  
Reynolds, Charles  
Wall, Janet

Chagnon, Ronald  
Hilliard, Dana  
Merrill, Amanda  
Sullivan, Henry  
Wheeler, Katherine

**SULLIVAN**

Allison, David  
Stettenheim, Sandy

Cloutier, John  
Whipple, Allen

Flint, Gordon

Palmer, Lorraine

and the report was adopted.

Ordered to third reading.

**HB 2-FN**, relative to state fees, funds, revenues and expenditures. **OUGHT TO PASS WITH AMENDMENT**

Rep. Franklin G. Torr for Finance: This bill complements HB 1-A, the biennial budget. It makes statutory changes to allow HB 1-A to be executed appropriately. Vote 20-0.

**Amendment (2108L)**

Amend the bill by replacing all after the enacting clause with the following:

1 Rulemaking; Department of Resources and Economic Development. Amend RSA 12-A:2-c, II(b) to read as follows:

(b) Use of [boats or other] vehicles, including, but not limited to, restrictions on parking[,] *and* speed[, size or method of propulsion].

2 Rulemaking; Department of Resources and Economic Development. Amend RSA 215-A:3-a, II to read as follows:

II. The use and control of OHRV trails, facilities and lands under bureau control or lease[, to be printed in guide books, published and posted at proper locations throughout the bureau trail system]; and

3 Transfers Authorized. RSA 12-A:28 is repealed and reenacted to read as follows:

12-A:28 Transfers Authorized; Ski Areas. The commissioner of the department of resources and economic development may transfer funds for any specific purposes to funds for other purposes within and among the appropriations for the operation of Cannon Mountain and Mount Sunapee. The commissioner shall report on a quarterly basis to the legislative fiscal committee and the governor and council all transfers accomplished under the provisions of this section. The provisions of this section shall not be subject to the provisions of RSA 9:17-a and RSA 9:17-c.

4 New Section; Coordination with Department of Resources and Economic Development. Amend RSA 12-G by inserting after section 7 the following new section:

12-G:7-a Coordination With Department of Resources and Economic Development. The Pease development authority shall coordinate its publicity efforts with the department of resources and economic development.

5 Pease Development Authority; Operating Budget. Amend RSA 12-G:27-a, I to read as follows:

I. The board shall comply with the requirements of RSA [9] *9:1 through 9:9*, relative to budget [and appropriations].

6 Removing Reference to Tobacco Stamps. Amend RSA 78:1, V to read as follows:

V. "Wholesaler" means any person doing business in this state who shall purchase all [of his unstamped] tobacco products directly from a licensed manufacturer[,] *or licensed wholesaler*, and who shall sell all of [his] *such* products to licensed wholesalers, sub-jobbers, vending machine operators, retailers, and those persons exempted from the tobacco tax under RSA 78:7-b.

7 Removing Reference to Tobacco Stamps. Amend RSA 78:1, VII to read as follows:

VII. "Sub-jobber" means any person doing business in this state who buys [stamped] tobacco products from a licensed wholesaler and who sells all of [his] *such* tobacco products to other licensed sub-jobbers, vending machine operators, and retailers.

8 Removing Reference to New Hampshire Tax Stamp. Amend RSA 78:2, III to read as follows:

III. No person shall sell tobacco products through a vending machine unless access to said machine is readily available or it is constructed so as to permit the commissioner, or [his] *the commissioner's* agent, to readily determine whether the packages of tobacco products being sold have [proper stamps affixed to them which show payment of the tobacco tax imposed under RSA 78:7] *stamps or tax indicia affixed to them by any other taxing jurisdiction.*

9 Removing Reference to Tobacco Stamps. Amend RSA 78:7 to read as follows:

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of 25 cents for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all tobacco products sold at retail in this state. [The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the tobacco products in which such products usually are sold at retail.] The word "package" as used in this section shall not include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

10 Compensation for Tobacco Wholesalers. Amend RSA 78:9-a to read as follows:

78:9-a Compensation for Collecting and Remitting Tax. The commissioner shall permit wholesalers of tobacco products [other than cigarettes whom he has exempted under RSA 78:12, II from the requirement of affixing tax stamps,] to retain [3] *one* percent of the tax revenue collected as compensation for keeping prescribed records, collecting, and transmitting payment of the tax due on a timely basis. For the purposes of this section, "timely basis" shall mean transmitting payment of the tax due within 15 days after the end of the reporting period. *The total compensation for any wholesaler shall not exceed \$100,000 in any state fiscal year.*

11 Refunds of Tobacco Tax. RSA 78:10 is repealed and reenacted to read as follows:

78:10 Refunds of Tax. The commissioner shall refund the tax, or provide a credit, less any compensation taken pursuant to RSA 78:9-a, on any outdated, damaged, or unsaleable tobacco products which have been returned to the manufacturer, and upon which the tobacco tax was paid to the state of New Hampshire. The state treasurer shall provide, out of money collected under this chapter, the funds necessary for the refund.

12 Untaxed Tobacco Products. Amend RSA 78:14 to read as follows:

78:14 [Unstamped] *Untaxed* Tobacco Products. No sub-jobber, vending machine operator or retailer, and no other person who is not licensed under the provisions of this chapter, shall sell, offer for sale, display for sale, ship, store, import, transport, carry or possess with or without intent to sell, any tobacco products [not properly stamped under RSA 78:12 or 78:13, except as provided in RSA 78:12, II. This section shall not prevent any unlicensed person able to purchase unstamped tobacco products by statute from possessing such products for his own use or consumption] *on which the New Hampshire tobacco tax has not been prepaid.* The provisions of this section shall not apply to common carriers transporting [unstamped] tobacco products *from a bonded warehouse and consigned to a licensed manufacturer, wholesaler, or any person exempted from the tax.* Any person who violates the provisions of this section shall be guilty of a felony.

13 Changing Reference to Tax Stamps. Amend RSA 78:16 to read as follows:

78:16 Forfeiture. [Unless the tobacco products are subject to the exemption under RSA 78:12, II,] Tobacco products found at any place in this state [without the necessary stamps affixed to them] *not supported by purchase vouchers from a licensed manufacturer or licensed wholesaler, or licensed sub-jobber,* unless they shall be in the possession of a licensed manufacturer [or], wholesaler, *sub-jobber, or any person exempt from the tax,* or unless they shall be in the course of transit by common carrier from a bonded warehouse and consigned to a licensed manufacturer, wholesaler or [anyone] *other person* exempted by statute, shall be declared to be contraband goods and subject to forfeiture to the state. The commissioner, [his] *the commissioner's* authorized agents, sheriffs, deputy sheriffs and policemen shall have the power to seize such tobacco products in the manner provided under RSA 617.

14 Required Records. Amend the section heading of RSA 78:18 to read as follows:

78:18 Required [Taxpayer] Records.

15 Changing Reference to Purchase of Tax Stamps. Amend RSA 78:18-a to read as follows:

78:18-a Additions to Tax. If after any examination as provided in RSA 78:18, the commissioner or [his] *the commissioner's* agent determines that there is a deficiency with respect to the [purchase] *payment* of tax [indicia], the commissioner shall assess the tax and all applicable

additions due the state. At the time such additional assessment is made, the commissioner shall give notice of the assessment to the person liable and make demand upon [him] *such person* for immediate payment.

16 New Sections; Administration of Tax; Surety Bonds. Amend RSA 78 by inserting after section 31 the following new sections:

78:32 Returns.

I. Every wholesaler shall on or before the fifteenth day of the calendar month following the collection of taxes imposed by this chapter make a return reporting the results of the preceding month to the commissioner of revenue administration. This return shall be filed even though no tax may be due. If such wholesaler has been granted permission to make other than monthly filings as provided in RSA 78:35, the wholesaler shall make a return in accordance with the return schedule permitted by the department of revenue administration, even though no tax may be due. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form of such return and the data which it shall contain. All returns shall be signed by the wholesaler or an authorized representative subject to the pains and penalties of perjury.

II. The taxes collected by every licensed wholesaler shall be paid to the state on or before the fifteenth day of the calendar month following their collection and shall accompany the return required by paragraph I. The wholesaler may deduct from the taxes collected the compensation allowed by RSA 78:9-a, and remit the net taxes to the commissioner of revenue administration.

III. Notwithstanding the provisions of any other law, returns and remittances due under this chapter shall be considered timely only if received by the department of revenue administration on or before the fifteenth day of the calendar month in which they were due. If a wholesaler has requested and the post office has affixed the United States Postal Service date stamp to the tax return envelope, and the date stamped on the envelope is a date on or before the fifteenth day of the calendar month in which the return was due, then the return and remittance shall be considered timely even if received by the department after the fifteenth day of the calendar month on which it was due. If this due date falls on a Saturday, Sunday, or legal holiday, then the returns and remittances due under this chapter shall be filed no later than the next business day.

78:33 Interest and Penalties. Any business organization which fails to make payment with a return when due shall pay interest as prescribed in RSA 21-J:28 and the penalties prescribed in RSA 21-J:31 and RSA 21-J:33.

78:34 Surety Bonds.

I. When the commissioner or designee, in that person's discretion, deems it necessary to protect the revenues to be obtained under this chapter, such person may, after notice and hearing, require any wholesaler required to collect the tax imposed by RSA 78:7 and 78:7-c to file with the commissioner or designee a bond issued by a surety company authorized by the New Hampshire insurance department to do business in this state, in an amount fixed by the commissioner or designee, to secure the payment of any tax, interest or penalties due, or which may become due. The wholesaler shall file a bond within 10 days after the department has issued and mailed such notice. Surety bonds may be required in situations such as, but not limited to, failure to file returns, failure to make payments with returns at the time required by law, tender by a wholesaler of checks returned for insufficient funds, failure to pay interest and penalties assessed, wholesalers who are itinerant, transient or temporary, and any other situation which, in the discretion of the commissioner or designee, renders the collection of the tax in jeopardy.

II. The surety on such bond shall be discharged from the liability accruing on the bond after the expiration of 60 days from the date on which the surety shall have lodged with the department a written request to be so discharged; but such request shall not discharge such surety from any liability already accrued or which shall accrue before the expiration of said 60-day period. The duration of surety bonds shall be for one year only, unless the requirement is cancelled or revised by the commissioner or designee before the expiration of the one year period.

III. In lieu of a bond, cash in an amount prescribed by the commissioner or designee may be deposited with the state treasurer who may, at any time, upon instructions from the commissioner or designee and without notice to the depositor, apply the cash deposited to any tax or interest or penalties due. Cash deposited in lieu of a surety bond shall not earn interest.

IV. Failure to comply with the provisions of this section shall result in the revocation of the wholesaler's license, as provided in RSA 78:6.



### 78:35 Returns; Special, Optional, and Extensions.

I. If the department believes special action is necessary when the collection of the tax may be in jeopardy, it may require a wholesaler to file returns and pay taxes under this chapter at any time and from time to time.

### II. Upon written request and for good cause shown:

(a) The department may authorize a wholesaler whose books and records are not kept on a calendar month basis to file returns at times other than those specified in RSA 78:32.

(b) The department may authorize wholesalers to file fewer than 12 monthly returns.

(c) The department may extend the time for filing any returns required by the chapter.

17 New Paragraph; Funding for the Driver Training Program. Amend RSA 263:52 by inserting after paragraph II the following new paragraph:

III. Notwithstanding any other provision of law, should the legislative estimate as provided for in paragraph II not fully fund the driver training program at \$150 for each pupil who has completed the driver education program, the commissioner of the department of safety shall request, with prior approval of the legislative fiscal committee, that the governor and council authorize the transfer of funds from the vanity plate fund.

18 Department of Health and Human Services; Division of Mental Health and Developmental Services; New Hampshire Hospital. Notwithstanding any other provision of law, for the biennium ending June 30, 1997, the department of health and human services, division of mental health and developmental services, is hereby authorized to utilize all available permanent personal services and benefit appropriations in PAU's 05, 01, 05, 06, 01 through 05, 01, 05, 06, 08 to support currently funded or unfunded authorized positions as determined by the legislative budget assistant, and is authorized to transfer funds between and among permanent personal services and benefit appropriations within these PAU's upon the approval of the fiscal committee and governor and council.

19 Training for Department of Health and Human Services Personnel. Notwithstanding any other provision of law and with the approval of the fiscal committee and governor and council, the department of health and human services may use up to \$150,000 each fiscal year of funds which would otherwise lapse to the salary adjustment funds from class 10, personal services permanent, in components throughout the department's budget to provide training for department personnel.

20 Department of Environmental Services; Laboratory Equipment Fund. Notwithstanding the provisions of RSA 131:3-a, the department of environmental services shall lapse \$137,495 in fiscal year 1996 and \$79,331 in fiscal year 1997 from the laboratory equipment fund to the general fund.

21 Christa McAuliffe Planetarium. Any budget deficit of the Christa McAuliffe planetarium incurred or carried forward, or both incurred and carried forward, through June 30, 1995, shall be hereby forgiven and not carried forward into fiscal year 1996.

### 22 Committee Established; Data Center Consolidation.

I. The general court recognizes that there are several computing platforms within the state. Multiple organizations utilize the same type of hardware, and consolidation offers the possibility for savings in operational areas including central computer hardware, operating systems software, operations personnel, and support personnel, both technical and administrative. The general court, therefore, seeks to address this issue of efficient management through consolidation of state data centers.

II.(a) There is hereby established a committee to study the issue of consolidation of data centers.

(b) The committee membership shall be composed of the following:

(1) Two representatives, appointed by the speaker of the house.

(2) Two senators, appointed by the senate president.

(c) The following individuals are encouraged to participate in the work of the committee:

(1) The commissioner of employment security, or designee.

(2) The commissioner of administrative services, or designee.

(3) The commissioner of transportation, or designee.

(4) The commissioner of health and human services, or designee.

(5) The commissioner of safety, or designee.

- (6) The commissioner of revenue administration, or designee.
- (7) The commissioner of postsecondary technical education, or designee.
- (8) The chairperson of the liquor commission, or designee.
- (9) The director of the office of information technology management, or designee.

III. The duties of the committee shall include, but not be limited to, the following:

- (a) Determining the integration of the operational areas of all state-owned mainframes.
- (b) Software compatibility, networking and other programming and hardware applications.
- (c) Capital requirements relating to system requirements.
- (d) Reviewing and reporting on anticipated operating expense savings.

IV. The committee shall submit a report of its recommendations, together with any proposed legislation for the 1996 legislative session, to the governor, senate president, speaker of the house, senate clerk, house clerk, and state library on or before November 1, 1995.

23 Repeal. The following are repealed:

- I. RSA 12-A:2-c, II(d), relative to rulemaking for the joint promotion program.
- II. RSA 12-A:2-c, II(e), relative to rulemaking for fees for parking at state piers.
- III. RSA 12-A:4-a and 12-A:4-b, relative to the position and duties of a state geologist within the department of resources and economic development.
- IV. RSA 12-A:4-d, relative to the position of financial counselor.
- V. RSA 12-A:16, relative to area industrial agents-at-large.
- VI. RSA 12-A:20, relative to a therapeutic recreation specialist.
- VII. RSA 78:9, relative to tobacco tax stamps.
- VIII. RSA 78:11, relative to metering machines.
- IX. RSA 78:12, relative to affixing tax stamps.
- X. RSA 78:13, relative to authorization to affix tax stamps and to use metering machines.
- XI. RSA 215-A:3-a, I, relative to rulemaking governing OHRV publications produced by the department of resources and economic development.
- XII. RSA 216-A:3-g, III, relative to rulemaking for access to state piers.

24 Effective Date.

- I. Section 22 of this act shall take effect upon its passage.
- II. The remainder of this act shall take effect July 1, 1995.

#### AMENDED ANALYSIS

This bill:

- I. Makes housekeeping changes to certain laws regarding the department of resources and economic development pertaining to positions which have been abolished or moved to other agencies.
- II. Removes certain rulemaking authority of the department which conflicts with standard rulemaking procedures.
- III. Removes the commissioner of the department of economic development's authority to expend anticipated revenues from the state ski operations and replaces it with the authority to transfer funds within and among the appropriations for the operation of Cannon Mountain and Mount Sunapee.
- IV. Requires the Pease development authority to coordinate its publicity efforts with the department of resources and economic development.
- V. Clarifies the compliance requirements of the board of directors of the Pease development authority in preparation of an operating budget.
- VI. Relative to the use of tobacco stamps:
  - (1) Eliminates the use of tobacco tax stamps.
  - (2) Establishes a one percent commission for wholesalers, with an annual cap of \$100,000.
  - (3) Establishes requirements for returns to be filed.
  - (4) Establishes procedures for surety bonds and special returns.
- VII. Allows the commissioner of the department of safety to request a transfer of funds from the vanity plate fund if the driver training fund is insufficient to cover the costs of the driver training program.
- VIII. Allows the division of mental health and developmental services to transfer funds between and among permanent personal services and benefit appropriations within certain appropriations to the New Hampshire hospital.

IX. Allows the department of health and human services to use some funds, which would otherwise lapse to the salary adjustment funds, to provide training for department personnel.

X. Causes certain moneys in the laboratory equipment fund of the department of environmental services to lapse in fiscal years 1996 and 1997.

XI. Forgives budget deficits of the Christa McAuliffe planetarium incurred or carried forward through June 30, 1995.

XII. Establishes a committee to study and make recommendations concerning the issue of data center consolidation.

Rep. Frank Torr yielded to questions.

Adopted.

Report adopted and ordered to third reading.

**HB 25-A**, making appropriations for capital improvements and establishing a committee to oversee and set priorities for certain appropriations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Neal M. Kurk for Finance: The major changes made by the Committee amendment include reducing Superfund bonding by \$2.125 million, adding \$38,000 for planetarium equipment based on new information, adding \$1.56 million for renovation of the Lakes Region corrections facility, adding \$264,295 for a second year of aquifer mapping, adding \$250,000 for boilers for the women's prison at Goffstown, and adding \$191,843 to the 1993 capital appropriation for the fire academy dormitories to deal with an underestimate. The amendment also requires Capital Budget Overview Committee approval prior to expending funds for the Brown building furnishings. In addition, the amendment insures that both the northbound and southbound Hampton liquor stores will be connected to adequate septic facilities. Finally, the university system was given some additional flexibility in expending \$3.1 million for construction and renovation. Vote 15-0.

#### Amendment (2109L)

Amend the bill by replacing all after the enacting clause with the following:

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

##### I. Adjutant General.

A. Replacement of 3 roofs (Concord and Littleton armories, and the Center Haverhill motor vehicle storage building)	\$ 240,000
B. Replacement of drill hall roof - Manchester state armory	\$ 170,500
C. Repair/replace paving - Concord	400,000
Less federal	-197,250
Net state appropriation subparagraph C	\$ 202,750
Total state appropriation paragraph I	\$ 613,250

##### II. Department of Administrative Services.

A. Bureau of General Services.	
1. Health and human services building and laboratory HVAC renovation	\$ 6,500,000
2. Replace variable speed drives in laboratory	85,000
3. State house annex - roof repairs	\$ 99,000
Total subparagraph A	\$ 6,684,000
B. Bureau of Court Facilities.	
1. New court facility - Lancaster	\$ 4,000,000
2. Study and design court facility - Dover/Durham district court	150,000
3. Study and design court facility on county donated land-Carroll County superior court	150,000
Total state appropriation subparagraph B	\$ 4,300,000

C. Data Center.	
1. CPU upgrade *	\$ 300,000
2. PC upgrade/LAN *	<u>350,000</u>
Total state appropriation subparagraph C	\$ 650,000
Total state appropriation paragraph II	\$ 11,634,000
III. Department of Agriculture.	
A. Repairs to the New Hampshire building at eastern states exposition, Springfield, MA	<u>\$ 245,000</u>
Total state appropriation paragraph III	\$ 245,000
IV. Department of Corrections.	
A. Upgrade electronic perimeter fence security system, NH state prison - Concord	\$ 250,000
B. Replacement of the roof systems, Calumet house - Manchester	24,500
C. Replacement of the main roof system and installation of a new sprinkler system, Shea farm - Concord	61,000
D. Replacement of the roof system, Toll building, lakes region facility	237,000
E. Central warehouse sprinkler system, lakes region facility	59,000
F. Renovate basement of administration building, NH state prison - Concord	36,500
G. Resurface Keyes building roof - lakes region facility	30,000
H. Auto shop re-roof and sprinkler system NH state prison - Concord	77,000
I. Resurface laundry building roof - lakes region facility	60,000
J. Upgrade automated system *	240,000
K. Preliminary design of expanded correctional facilities in accordance with federal crime bill grants	500,000
L. Lakes Region Facility	
1. Renovate Blood and Floyd buildings	\$ 550,000
2. Renovate Keyes building	\$ 310,000
3. Security Fencing	\$ 150,000
4. Road work	\$ 450,000
5. Furnishings and equipment	<u>\$ 100,000</u>
Total state appropriation subparagraph L	\$ 1,560,000
M. Construction of boilers, N.H. state prison for women-Goffstown	<u>\$ 250,000</u>
Total state appropriation paragraph IV	\$ 3,385,000

For the purposes of subparagraph IV, K, the chosen site shall not be located on Clinton Street or Iron Works Road in the city of Concord. If the chosen site is North State Street in Concord, preliminary design shall include corridor improvements on North State Street between Brook Street and Dolan Street including, but not limited to, widening of North State Street, creating center turn lanes, traffic signals at McGuire Street, and additional parking for the new prison facility.

V. Department of Cultural Affairs.

A. Replacement/upgrade of production equipment, Christa McAuliffe Planetarium - Concord	\$ 113,132
B. Addition to Christa McAuliffe Planetarium - Concord	<u>500,000</u>
Total state appropriation paragraph V	\$ 613,132

## VI. Department of Education.

A. Computerization implementation plan *	\$ 325,000
Total state appropriation paragraph VI	\$ 325,000

## VII. Department of Environmental Services - Division of Water Supply and Pollution Control.

A. State revolving fund program - wastewater	\$ 51,193,008
Less federal	<u>-42,660,840</u>
Net state appropriation subparagraph A	\$ 8,532,168
B. State revolving fund program - drinking water	\$ 12,552,000
Less federal	<u>-10,460,000</u>
Net state appropriation subparagraph B	\$ 2,092,000
C. Superfund program	\$ 47,275,000
Less federal	<u>-41,835,000</u>
Net state appropriation subparagraph C	\$ 5,440,000
D. Migration off Wang system *	\$ 195,500
E. Payment of drinking water and landfill grants for prior years	\$ 7,300,000
F. Bedrock aquifer mapping (groundwater mapping program)	<u>\$ 528,590</u>
Total state appropriation paragraph VII	\$ 24,088,258

The appropriation in subparagraph VII, D, may be used to fund conversion of existing applications from a Wang platform to a PC LAN platform.

## VIII. Department of Health and Human Services.

## A. Commissioner's Office.

1. Brown building site work - 400 car parking garage	\$ 4,500,000
2. Redevelop eligibility management system *	4,000,000
Less federal	<u>-2,000,000</u>
Net state appropriation subparagraph A, 2	\$ 2,000,000
3. Brown building furnishings	\$ 1,200,000
Less federal	<u>-600,000</u>
Net state appropriation subparagraph A, 3	<u>\$ 600,000</u>
Total state appropriation subparagraph A	\$ 7,100,000

## B. New Hampshire Hospital

1. Renovate acute psychiatric service building - B Wing	\$ 2,425,000
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## C. Division of Mental Health and Developmental Services

1. RSA 171-B mentally retarded criminal offenders	\$ 435,000
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## D. Glenc cliff home for the elderly

1. Life safety code renovations	<u>\$ 153,000</u>
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Total state appropriation paragraph VIII	\$ 10,113,000
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The funds appropriated in subparagraph VIII, A, 3 shall not be spent, obligated, or encumbered until such time as the department of health and human services has developed an action plan and received the approval of such plan from the capital budget overview committee.

## IX. Liquor Commission.

A. Parking lot repairs	\$ 179,000
B. Upgrade store #69 dock area - Nashua	\$ 46,500
C. Exterior improvements - 2 Hooksett stores	\$ 64,000
D. Replacement of the office roof and half of the warehouse roof at the liquor commission building - Concord	<u>\$ 215,000</u>
Total state appropriation paragraph IX	\$ 504,500

## X. Department of Justice.

A. Office hardware/software modernization *	\$ 375,000
Total state appropriation paragraph X	\$ 375,000

## XI. Port Authority.

A. Pier surface repair	\$ 277,000
B. Facility condition survey*	96,000
Total state appropriation paragraph XI	\$ 373,000

\*The facility condition survey identified in subparagraph XI, B must be completed prior to the pier surface repair identified in subparagraph A.

## XII. Postsecondary Technical Education.

A. Network backbone installation - statewide *	\$ 1,394,252
B. Dental assisting clinic refurbishment - NHTI - Concord *	\$ 185,000
Total state appropriation paragraph XII	\$ 1,579,252

## XIII. Department of Resources and Economic Development.

## A. Division of Parks and Recreation

1. ADA compliance projects for parks facilities	\$ 300,000
2. Sunapee/Cannon lift and ski area repairs	\$ 527,000
3. Construct 8 recreational vehicle dumpsites	\$ 170,000
4. Roofing and painting, park facilities - statewide to be paid by the park fund	\$ 140,000
5. Repair Androscoggin bridge abutments	\$ 132,000
6. Repairs to Sherman Adams building - Mt. Washington	\$ 50,000
Total state appropriation paragraph XIII	\$ 1,319,000

The repairs in subparagraph XIII, A, 2 may be completed as design/build projects.

## XIV. Department of Safety.

## A. Division of Fire Services

1. Fire Academy - ladder training tower - Concord	\$ 430,000
2. Fire Academy - commercial building - Concord	\$ 375,000
Total state appropriation subparagraph A	\$ 805,000

## B. Division of state police

1. Automotive and radio communication repairs-Concord	\$ 49,600
2. Paving	\$ 20,000
Total state appropriation subparagraph B	\$ 69,600
Total state appropriation paragraph XIV	\$ 874,600

The funds appropriated in subparagraph XIV, A for construction shall not be spent, obligated, or encumbered until such time as the department of safety has developed an action plan and received the approval of such plan from the capital budget overview committee.

## XV. Secretary of State.

A. Construction of an addition to the existing records and archives building - Concord	\$ 375,000
Total state appropriation paragraph XV	\$ 375,000

## XVI. Department of Transportation.

A. Underground tank replacement - statewide	\$ 500,000
B. Renovations to state-owned facilities for ADA compliance - statewide	\$ 1,000,000
C. 5-10 percent Match for FAA projects - statewide	\$ 500,000
Total state appropriation paragraph XVI	\$ 2,000,000

For the purposes of subparagraph XVI, B, an amount not exceeding 9.5 percent of the appropriation may be expended for consultant services and/or temporary trades.

## XVII. Veterans Home.

A. Oil bunker repairs *	\$ 40,000
B. Repair chimney and renovate maintenance building *	\$ 16,500
C. Renovate shower rooms *	\$ 30,000
D. Increase parking lot by 50 feet X 75 feet	\$ 10,000

Total state appropriation paragraph XVII	\$ 96,500
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Total state appropriation section 1	\$ 58,513,492
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\* The bonds issued for these projects shall be 5-year bonds.

2 Appropriation; University System of New Hampshire. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Design and engineering Lamson library - Plymouth	\$ 600,000
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B. Construction and renovation - systemwide	\$ 3,100,000
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C. Deferred maintenance and code compliance-systemwide	\$ 2,800,000
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Total state appropriation section 2	\$ 6,500,000
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3 Appropriation; Department of Fish and Game. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Roof repairs, hatcheries	\$ 55,000
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B. Concrete repair/replacement - hatcheries	\$ 643,000
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C. Fish predator control-covers and fence	\$ 150,000
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Total state appropriation section 3	\$ 848,000
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4 Appropriation; Department of Transportation and Department of Safety. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Department of Transportation.

A. Radio system upgrade - statewide	\$ 2,725,000
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B. Underground tank replacement - statewide	\$ 200,000
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C. Highway garage window replacement - Concord	\$ 158,000
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D. Replacement of John O. Morton building's roof system - Concord	\$ 190,000
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E. Highway garage sewer upgrade	\$ 75,000
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Total state appropriation paragraph 1	\$ 3,348,000
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II. Department of Safety.

A. Division of State Police

1. Automotive and radio communication repairs - Concord	\$ 198,400
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2. Paving	\$ 180,000
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Total state appropriation paragraph II	\$ 378,400
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Total state appropriation section 4	\$ 3,726,400
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5 Expenditures; General. The appropriation made for the purposes mentioned in sections 1, 3, and 4 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

6 Expenditures; University System of New Hampshire.

I. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All contracts for the construction of all or any part of said buildings or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made in section 2 are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees, in its discretion, may wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees.

III. If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university system has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university system. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

7 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3, and 4 except such land, if any, as may be acquired under the appropriation for the division of water resources, shall be purchased by the commissioner of the department of transportation with the approval of the governor and council.

8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$69,587,892 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

#### 9 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2, with the exception of section 1, subparagraph XIII, A, 4 shall be made when due from the general funds of the state.

II. The payment of principal and interest on bonds and notes issued for the project in section 1, subparagraph XIII, A, 4 shall be made when due from the state park fund.

III. The payment of principal and interest on bonds and notes issued for projects in section 3 shall be made when due from the fish and game fund.

IV. The payment of principal and interest on bonds and notes issued for projects in section 4 shall be made when due from the highway fund.

10 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187-A:7, or appropriation in lieu thereof, for each fiscal year such sum as may be necessary to meet interest and principal payments in accordance with the terms and conditions of the bonds and notes issued for the purpose of section 2.

11 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes of this act.

II. To accept any federal funds which are, or become available for any project under sections 1, 3, and 4 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 8 shall be reduced by the same amount.

12 Transfers. The individual project appropriations, as provided in sections 1, 3, and 4 shall not be transferred or expended for any other purpose; provided that any anticipated balance remaining in an individual project, which is fully funded by state funds, may be transferred by governor and council to any other individual project or projects, which are also fully funded by state funds, within the same section.

13 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 3, and 4 is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such project and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 8 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.



## 14 Committee Established.

I. There is hereby established a committee to oversee, set priorities for and make recommendations for projects and technical assistance concerning the use of the appropriation made in section 1, paragraph XVI, B, of this act for compliance with the Americans with Disabilities Act.

## II. The committee shall be composed of the following:

- (a) The commissioner of the department of transportation, or designee.
- (b) The commissioner of administrative services, or designee.
- (c) The attorney general, or designee.
- (d) One member from the governor's commission on disability.

III. The committee shall remain in existence until the appropriation in section 1, paragraph XVI, B, of this act, lapses.

## 15 Changing Distribution of Funds. Amend 1991, 351:1, V, B, 4 to read as follows:

4. Design and construction documents for a	
75-bed nursing home facility	[\$ 400,000] \$ 227,461
<i>a. Life and safety renovations</i>	
<i>i. Sinks and closets in resident buildings</i>	35,000
<i>ii. Bathroom renovation in resident buildings</i>	57,539
<i>b. Culverts, under drain catch basins</i>	<u>\$ 80,000</u>
<i>Total state appropriation subparagraph 4</i>	<u>\$ 400,000</u>

16 Increasing the Hanover-Lebanon District Court Capital Appropriation and Bonding Authority. Amend 1992, 289:27 and 289:28 as amended by 1993, 359:17 to read as follows:

289:27 Department of Administrative Services; Hanover-Lebanon District Court Capital Appropriation. The sum of [\$1,250,000] **\$1,400,000** is hereby appropriated to the department of administrative services for the purpose of acquiring, purchasing, entering into a lease purchase agreement, or leasing land or buildings or land and buildings and to construct or renovate, and furnish such buildings as is necessary to establish the Hanover-Lebanon district court. The department of administrative services is authorized to negotiate the acquisition, purchase or lease of such land and buildings within the limits of the appropriated amount. A resulting purchase contract shall receive such review and approval as required by state law. This appropriation is in addition to any other funds appropriated to the department of administrative services.

289:28 Bonds Authorized. To provide funds for the total of the appropriation of state funds made in section 27 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [\$1,250,000] **\$1,400,000** and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The payment of principal and interest on bonds and notes issued for such project shall be made when due from the general funds of the state.

## 17 Change in Federal Funding. Amend 1993, 359:1, V, C, 5 to read as follows:

5. Case management system	[\$1,500,000] \$ 6,000,000
<i>Less federal</i>	<u>-4,500,000</u>
<i>Net state appropriation subparagraph 5</i>	<u>\$ 1,500,000</u>

18 Increase Appropriations; Automated Inserting and Mailing System. Amend 1993, 359:1, V, F, 1 to read as follows:

1. Automated inserting and mailing system	[\$ 261,096] \$ <u>321,096</u>
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19 Decrease in Federal Appropriation; FAMIS System Development. Amend 1993, 359:1, V, F, 3 to read as follows:

3. FAMIS system development	[\$1,400,000] \$ 1,000,000
Less federal	<u>[-900,000] -500,000</u>
Net state appropriation subparagraph 3	<u>500,000</u>
Total subparagraph F	<u>[ 901,796] 961,796</u>
Total state appropriation paragraph V	[11,739,418] <u>\$ 11,799,418</u>

20 Repairs to the Day Care Center. Amend the paragraph after the total state appropriation paragraph V of 1993, 359:1, V as inserted by 1994, 248:1 to read as follows:

The commissioner of the department of health and human services may authorize expenditure of up to \$200,000 of the appropriations in this paragraph for capital costs required for the *re-pair or* relocation of the day care center for children of state employees from its present location to another site on the campus of New Hampshire hospital.

21 Hampton #73 Sewer System. Amend 1993, 359:1, VI, D to read as follows:

D. [Upgrade] Hampton #73 [sewer system with emphasis  
on providing facilities for the public] [\$ 375,000] \$ 825,000

*and #76 bathroom and sewerage system*

Total state appropriation paragraph VI [\$ 578,000] \$ 1,028,000

22 Increase in Appropriation to Department of Safety. Amend 1993, 359:1, XI, B to read as follows:

B. Fire standards and training dormitory [\$2,126,500] \$ 2,318,343

23 Total Adjusted. Amend 1993, 359:1, XI total state appropriation to read as follows:

Total state appropriation paragraph XI [\$9,676,120] \$ 9,867,963

24 Increase in Appropriation to New Hampshire Technical Institute. Amend 1993, 359:3 to read as follows:

359:3 Appropriation; Department of Postsecondary Technical Education. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. New Hampshire Technical Institute-Concord

1. Student activity center [\$1,080,000] \$ 1,330,000  
less other funds - 230,000

Net state appropriation section 3 [\$ 850,000] \$ 1,100,000

25 1993 Totals Adjusted. Amend 1993, 359:1, total state appropriation as amended by 1993, 360:7; 1994, 204:3; and 1994, 382:8 to read as follows:

Total state appropriation section 1 [\$41,204,888] \$ 41,906,731

26 1993 Bond Total Adjusted. Amend 1993, 359:9 as amended by 1993, 360:10; 1994, 204:4; and 1994, 382:8 to read as follows:

359:9 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [\$63,816,888] **\$64,768,731** and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

27 Bond Authorization Increase. Amend RSA 482:56 to read as follows:

482:56 Bonds Authorized. To provide working capital for initiation of the fund established in RSA 482:55, the state treasurer is hereby authorized to borrow upon the credit of the state the sum of [\$6,800,000] **\$7,900,000** and for said purpose shall issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A.

28 Lapse Dates Extended to June 30, 1996. The following appropriations are hereby extended to June 30, 1996:

I. The appropriation made to the department of administrative services in 1991, 258:1 as extended by 1993, 359:20, II, for the land acquisition, design, construction, and furnishings of a new superior court in Rockingham county.

II. The appropriation made to the department of safety in 1991, 262:1, as extended by 1993, 359:19, XIV and 1994, 171:2, for the construction of a fire training academy in Concord.

III. The appropriation made to the department of administrative services in 1991, 351:1, II, A, as amended by 1993, 359:22, and 1994, 341:1, as extended by 1993, 359:19, I, and 1994, 171:2, for repair of the State House dome.

IV. The appropriation made to the department of administrative services in 1991, 351:1, II, E, as amended by 1992, 289:55 and 289:56, as extended by 1993, 359:19, II, and 1994, 171:2, for renovations for the Coos county courthouse.

V. The appropriation made to the liquor commission in 1991, 351:1, VI, B, as extended by 1993, 359:19, V, and 1994, 171:2, for a liquor store on I-95.

VI. The appropriation made to the department of transportation in 1992, 289:21, as extended by 1993, 359:20, III, for the purpose of general aviation apron expansion and construction of a taxiway to runway 36 at the Lebanon airport.

VII. The appropriation made to the department of transportation in 1989, 367:1, XII, A, 1, as amended by 1991, 351:27, II(1) and 1992, 289:60, as extended by 1993, 359:20, V, for improvements at the Keene Dillant-Hopkins airport.

VIII. The appropriation made to the department of transportation in 1989, 367:1, XII, A, 2, as extended by 1991, 307:2 and 1993, 359, 20, VIII, for the Mount Washington Regional Airport and the Berlin Municipal Airport.

IX. The appropriation made to the department of transportation in 1989, 367:1, XII, A, 2, (a) as amended by 1991, 307:1 and 1993, 359:23 for reconstruction of the Berlin Municipal Airport.

X. The appropriation made to the department of transportation in 1989, 367:1, XII, A, 4, as extended by 1991, 351:27, II(1); 1992, 289:60, VII; 1993, 359:19, VIII; and 1994, 171:2, for aeronautics projects at Skyhaven airport.

29 Lapse Dates Extended to June 30, 1997. The following appropriations are hereby extended to June 30, 1997:

I. The appropriation made to the department of environmental services, water resources division in 1989, 367:1, IV, A, 1, as extended by 1991, 351:27, II(g), 1992, 149:2, I and 1993 359:20, I, for upgrading state-owned flood retardation structures at small watershed program sites.

II. The appropriation made to the department of health and human services in 1993, 359:1, V, as extended by 1994, 248:1, for repairs to the main building.

III. The appropriation made to the department of health and human services in 1993, 359:1, V, F, 3, as extended by 1994, 171:1, for the development of a family assistance management information system.

IV. The appropriation made to the department of health and human services in 1993, 359:1, V, C, 5, as extended by 1994, 171:1, for the development and implementation of an automated case management information system.

V. The appropriation made to the department of health and human services in 1993, 359:1, V, B, 4, as extended by 1994, 171:1, for life and safety renovation and new culverts for Glencliff Home for the elderly.

VI. The appropriation made to the department of health and human services in 1993, 359:1, V, D, 1, as extended by 1994, 171:1, for optical disk records storage.

30 Lapse Date Repealed. 1991, 351:27, I relative to the department of correction's authority to renovate the Laconia developmental services building, is repealed.

31 Lakes Region Facility. The lakes region facility shall be used only for minimum and medium security prison inmates.

32 Effective Date.

I. Sections 28 and 29 of this act shall take effect June 30, 1995.

II. The remainder of this act shall take effect July 1, 1995.

Adopted.

Rep. Rosen spoke against.

Report adopted and ordered to third reading.

**SCR 1**, relative to unfunded federal mandates. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Sharleene P. Hurst for the Majority of State-Federal Relations: The majority of the committee believes that this is a timely resolution. The state of New Hampshire is prohibited by law from imposing unfunded mandates on municipalities and asks the Federal Government to follow our lead. The resolution also speaks to our unique and proud place in American history. Vote 11-3.

Reps. Robert K. Wollner, Dana S. Hilliard, James R. Splaine for the Minority of State-Federal Relations: Although the minority of the committee appreciates the intent of this resolution, in its current form it asks Congress to do what it has already done by passing the Unfunded Mandate Reform Act of 1995. However, it is the intent of the minority to insure that the proposed Balanced Budget Amendment or any other effort to balance the Federal budget is not done so on the backs of states, cities and towns. The resolution does not do that.

Rep. Buckley moved Recommit to Committee, spoke in favor and yielded to questions.

Rep. Welch spoke against.

Rep. Robert Wollner spoke in favor.

Rep. Gage spoke against and yielded to questions.

**MOTION TO LAY ON THE TABLE**

Rep. Trombly moved that **SCR 1**, relative to unfunded federal mandates, be laid on the table.  
Rep. Ann Torr requested a roll call; sufficiently seconded.

**YEAS 153 - NAYS 187****YEAS 153****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Lafam, Robert	Smith, Linda
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**CARROLL**

Beach, Mildred	Howard, Godfrey	Kenney, Joseph	Mock, Henry
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**CHESHIRE**

Burnham, Daniel	Champagne, Richard	Delano, Robert	Doucette, Richard
Kingsbury, H. Thayer	Lynch, Margaret	Manning, Joseph	McGuirk, Paul
Pratt, Irene	Richardson, Barbara	Riley, William	Robertson, Timothy
Russell, Ronald	Wollner, Robert		

**COOS**

Bradley, Paula	Hawkinson, Marie	Mears, Edgar	Pratt, Leighton
St. Hilaire, Paul			

**GRAFTON**

Below, Clifton	Copenhaver, Marion	Crory, Elizabeth	Guest, Robert
Lovett, Sidney	Nordgren, Sharon	Tucker, John	

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Arnold, Thomas, Jr.	Asselin, Robert
Baroody, Benjamin	Bergeron, Normand	Boutin, David	Buckley, Raymond
Cepaitis, Elizabeth	Clemons, Jane	Cote, David	Durham, Susan
Dwyer, Paul, Sr.	Foster, Linda	Haettenschwiller, Alphonse	Hall, Betty
Hart, Nick	Holt, David	Hussey, Mary	Jean, Claudette
Jean, Loren	Johnson, Lionel	Kirby, Thomas	LaRose, Richard
Laughlin, J. Francis	Lefebvre, Roland	Marcinkowski, Michael	Martin, Mary
McCarthy, William	Melcher, Harold	Messier, Irene	O'Rourke, Joanne
Reidy, Frank	Showerman, Peter	Soucy, Donna	Soucy, Richard
Taylor, Paul	Toomey, Kathryn	Turgeon, Roland	Wheeler, Craig
White, Donald	White, John		

**MERRIMACK**

Chandler, John	Crosby, Toni	Daneault, Gabriel	DeStefano, Stephen
Dunn, Miriam	Feuerstein, Martin	Fraser, Marilyn	Jacobson, Alf
Lamach, Bernard	Moore, Carol	Owen, Derek	Rogers, Katherine
Lambert, Rick	Wallner, Mary Jane	Warner, Richard	Weeks, John, Jr.
Whalley, Michael	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Camm, Kevin	Clark, Martha	Clark, Vivian
Coes, Betsy	Dodge, Robert	Dowd, Sandra	Dowling, Patricia
Dunham, Vivian	Fesh, Robert	Gorman, Donald	Johnson, Robert
Kane, Cecelia	Kelley, Jane	Kruse, Fred	Lupien, James
Magoon, Harold	Malcolm, Ken	McKinney, Betsy	Pantelakos, Laura
Richards, David	Rubin, George	Sabella, Norma	Smith, Arthur
Splaine, James	Syracusa, Anthony	Tufts, J. Arthur	Vaughn, Charles
Weare, Everett			

**STRAFFORD**

Berube, Roger	Brown, George	Callaghan, Frank	Chagnon, Ronald
Dunlap, Patricia	Grassie, Anne	Hambrick, Patricia	Hemon, Roland

Hilliard, Dana  
Lundborn, Raymond  
Pelletier, Arthur  
Tessimond, Shane  
Wheeler, Katherine

Keans, Sandra  
Merrill, Amanda  
Snyder, Clair  
Torr, Ralph  
Williams, Howard

Knowles, William  
Merritt, Deborah  
Spear, Barbara  
Vincent, Francis

Loder, Suzanne  
Musler, George  
Sullivan, Henry  
Wall, Janet

### SULLIVAN

Allison, David

Cloutier, John

Palmer, Lorraine

Stettenheim, Sandy

### NAYS 187

### BELKNAP

Holbrook, Robert  
Rosen, Ralph  
Ziegra, Alice

Johnson, James  
Thomas, John

Lawton, David  
Turner, Robert

Lawton, Robert  
Wendelboe, Francine

### CARROLL

Babson, David, Jr.  
Dickinson, Howard, Jr.  
Philbrick, Donald

Bradley, Jeb  
Foster, Robert

Chandler, Gene  
Lyman, L. Randy

Cooper, Kipp  
Patten, Betsey

### CHESHIRE

Avery, Stephen  
Laurent, John  
Smith, Edwin

Cole, Stacey  
McNamara, Wanda  
Steere, Myron, III

Feuer, Joseph  
Metzger, Katherine

Hunt, John  
Royce, H. Charles

### COOS

Davis, Perley

Guay, Lawrence

Horton, Lynn

Merrill, Gerald

### GRAFTON

Adams, Carl  
Chase, Paul, Jr.  
LaMott, Paul  
Scanlan, David

Bean, Pamela  
Connolly, Steven  
Larson, Nils, Jr.  
Trelfa, Richard

Brown, Alson  
Guaraldi, Lawrence  
MacNeil, Allen  
Williams, William, Jr.

Brown, Channing  
Ham, Bonnie  
Phinney, William

### HILLSBOROUGH

Aksten, Cheryl  
Burke, M. Virginia  
Daniels, Gary  
Dokmo, Cynthia  
Feng, David  
Gagnon, Eugene  
Hansen, Herbert  
Hunter, Bruce  
L'Heureux, Robert  
Luebker, Bernard  
McMahon, Donald  
Mittelman, David  
Pappas, Marc  
Sallada, Roland  
Thulander, O. Alan

Amidon, Eleanor  
Calawa, Leon, Jr.  
Desmarais, Vivian  
Dyer, Merton  
Fenton, James  
Gibson, John  
Herman, Keith  
Kelley, Robert  
Legacy, Earl  
MacGillivray, Jeffrey  
McRae, Karen  
Morello, Michael  
Pepino, Leo  
Sargent, Maxwell  
Wells, Peter, Sr.

Andrews, Frederick  
Champagne, Norma  
Desrosiers, William  
Dykstra, Leona  
Ferguson, Charles  
Goulet, Maurice  
Holden, Carol  
Krochmal, Mark  
Letendre, Evelyn  
MacIntyre, Doris  
Mercer, Robert  
O'Hearn, Jane  
Peters, Stanley  
Streeter, Janice  
Wheeler, Robert

Brundige, Robert  
Clegg, Robert, Jr.  
Dodge, Emma  
Emerton, Lawrence, Sr.  
Francoeur, Gary  
Hallyburton, Margaret  
Holley, Sylvia  
Kurk, Neal  
Lozeau, Donnalee  
McCarty, Winston  
Milligan, Robert  
Packard, Bonnie  
Riley, Frances  
Sullens, Joan  
Worthen, Dorothy

### MERRIMACK

Adams, Stephen  
Chandler, Earle  
Langer, Ray  
Patenaude, Amy  
Whittemore, James

Barberia, Richard  
Crowell, Peter  
Lockwood, Robert  
Pitman, Mary Ellen  
Willis, Jack

Brown, Mary  
Hess, David  
Morrill, Olive  
Shaw, Randall

Buessing, Marjorie  
Kennedy, Richard  
Nichols, Avis  
Varsalone, Robert

**ROCKINGHAM**

Aranda, M. Kathryn	Arndt, Janet	Attar, Kevin	Battles, Marjorie
Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin	Boucher, William
Carson, Gregory	Case, Margaret	Christie, Andrew, Jr.	Conroy, Janet
Cote, Patricia	Crossman, Harold, Jr.	Dube, LeRoy	Felch, Charles, Sr.
Flanagan, Natalie	Flanders, David	Flanders, John, Sr.	Gage, Beverly
Gargiulo, Louis	Gleason, John	Goddard, Warren	Henderson, Warren
Hurst, Sharleene	Katsakiores, George	Klemm, Arthur, Jr.	Kobel, Rudolph
Langley, Jane	Morris, Debbie	Nowe, Ronald	Noyes, Richard
Packard, Sherman	Pratt, Katharin	Putnam, Ed, II	Raynowska, Bernard
Ross, James	Scanlon, Edward	Senter, Merilyn	Simmons, John Anthony
Stone, Joseph	Sytek, Donna	Sytek, John	Welch, David
Weyler, Kenneth	Yennaco, Carol		

**STRAFFORD**

Douglass, Clyde	Hanlon, Mark	McKinley, Robert	Reynolds, Charles
Torr, Ann	Torr, Franklin	Wasson, Richard	

**SULLIVAN**

Adler, Rudolf	Behrens, Thomas	Flint, Gordon	Krueger, Richard
Lindblade, Eric	Peyron, Fredrik	Schotanus, Merle	Scott, Robert
Whipple, Allen			

and the motion failed.

Rep. Buckley withdrew his motion to Recommit to Committee and spoke in favor of the Majority report.

Report adopted and ordered to third reading.

**HR 18**, urging Congress and the New Hampshire Congressional delegation to support school-based meal and nutrition programs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Dana S. Hilliard for State-Federal Relations: The committee agrees that school nutrition programs are essential to the welfare and development of American youth. It is further essential that the General Court send a strong message to our Congressional Delegation to support funding for federal nutritional programs. Vote 14-0.

**Amendment (2103L)**

Amend the resolution by replacing all after the title with the following:

Whereas, school nutritional programs provide nutritious, well-balanced and appetizing meals to children at more than 400 New Hampshire public schools each day; and

Whereas, numerous studies have shown that there is a significant correlation between student academic performance and consumption of nutritious meals; and

Whereas, numerous studies have shown that school-based meal and nutrition programs have helped improve the general health and productivity among America's children; and

Whereas, a recent study in New England has demonstrated a significant decrease in tardiness and absenteeism when children eat nutritious meals; and

Whereas, only a quality system of nutrition programs can establish and meet nutrition standards that respond to economic changes and ensure children's health will be protected; and

Whereas, school-based nutrition programs have enjoyed bipartisan support for more than 50 years; now, therefore, be it

Resolved by the House of Representatives:

That the general court hereby urges the Congress of the United States and the New Hampshire Congressional delegation in particular to vigorously protect full and continued funding for federal school nutritional programs, and continuation of quality child nutrition standards; and

That copies of this resolution, signed by the speaker of the house be forwarded by the house clerk to each member of the New Hampshire Congressional delegation.

Reps. Hilliard and Gage yielded to questions.

Rep. Daniels spoke against and yielded to questions.

Rep. Trombly requested a roll call; sufficiently seconded. The question being the adoption of the amendment.

**YEAS 243 - NAYS 99****YEAS 243****BELKNAP**

Boriso, Thomas	Holbrook, Robert	Rosen, Ralph	Smith, Linda
Turner, Robert	Ziegler, Alice		

**CARROLL**

Beach, Mildred	Bradley, Jeb	Cooper, Kipp	Dickinson, Howard, Jr.
Foster, Robert	Kenney, Joseph	Lyman, L. Randy	Mock, Henry
Philbrick, Donald			

**CHESHIRE**

Avery, Stephen	Burnham, Daniel	Champagne, Richard	Cole, Stacey
Doucette, Richard	Feuer, Joseph	Kingsbury, H. Thayer	Lynch, Margaret
Manning, Joseph	McGuirk, Paul	Metzger, Katherine	Pratt, Irene
Richardson, Barbara	Riley, William	Robertson, Timothy	Royce, H. Charles
Russell, Ronald	Smith, Edwin	Wollner, Robert	

**COOS**

Bradley, Paula	Guay, Lawrence	Hawkinson, Marie	Horton, Lynn
Mears, Edgar	Merrill, Gerald	Pratt, Leighton	

**GRAFTON**

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Brown, Channing	Copenhaver, Marion	Crory, Elizabeth	Guest, Robert
LaMott, Paul	Larson, Nils, Jr.	Lovett, Sidney	MacNeil, Allen
Nordgren, Sharon	Scanlan, David	Tucker, John	

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Amidon, Eleanor	Asselin, Robert
Baroody, Benjamin	Bergeron, Norman	Brundige, Robert	Buckley, Raymond
Calawa, Leon, Jr.	Cepaitis, Elizabeth	Champagne, Norma	Clemons, Jane
Cote, David	Desmarais, Vivian	Desrosiers, William	Dodge, Emma
Dokmo, Cynthia	Dwyer, Paul, Sr.	Dyer, Merton	Emerton, Lawrence, Sr.
Ferguson, Charles	Foster, Linda	Franks, Suzan	Gagnon, Eugene
Goulet, Maurice	Haettenschwiller, Alphonse	Hall, Betty	Hallyburton, Margaret
Hart, Nick	Holden, Carol	Hunter, Bruce	Hussey, Mary
Jean, Claudette	Jean, Loren	Johnson, Lionel	Kelley, Robert
Kirby, Thomas	L'Heureux, Robert	LaRose, Richard	Laughlin, J. Francis
Letendre, Evelyn	Lozeau, Donnalee	MacIntyre, Doris	Marcinkowski, Michael
Martin, Mary	McCarthy, William	McCarty, Winston	McRae, Karen
Melcher, Harold	Mercer, Robert	Milligan, Robert	Mittelman, David
Morello, Michael	O'Hearn, Jane	O'Rourke, Joanne	Packard, Bonnie
Pappas, Marc	Pepino, Leo	Peters, Stanley	Reidy, Frank
Sallada, Roland	Sargent, Maxwell	Soucy, Donna	Soucy, Richard
Sullens, Joan	Toomey, Kathryn	Turgeon, Roland	Wheeler, Craig
Wheeler, Robert	White, John	Worthen, Dorothy	

**MERRIMACK**

Buessing, Marjorie	Chandler, Earle	Chandler, John	Crosby, Toni
Daneault, Gabriel	DeStefano, Stephen	Dunn, Miriam	Fraser, Marilyn
Hess, David	Jacobson, Alf	Kennedy, Richard	Lamach, Bernard
Langer, Ray	Lockwood, Robert	Moore, Carol	Owen, Derek
Rogers, Katherine	Trombly, Rick	Varsalone, Robert	Wallner, Mary Jane
Weeks, John, Jr.	Whalley, Michael	Whittemore, James	Willis, Jack
Yeaton, Charles			

**ROCKINGHAM**

Abbott, Dennis	Battles, Marjorie	Bishop, Franklin	Boucher, William
Camm, Kevin	Carson, Gregory	Case, Margaret	Clark, Martha
Coes, Betsy	Conroy, Janet	Cote, Patricia	Crossman, Harold, Jr.
Dodge, Robert	Dowd, Sandra	Dowling, Patricia	Dube, LeRoy
Felch, Charles, Sr.	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John, Sr.	Gage, Beverly	Gleason, John	Gorman, Donald
Henderson, Warren	Hurst, Sharleene	Johnson, Robert	Kane, Cecelia
Kelley, Jane	Klemm, Arthur, Jr.	Kruse, Fred	Langley, Jane
McGovern, Cynthia	McKinney, Betsy	Noyes, Richard	Pantelakos, Laura
Raynowska, Bernard	Ross, James	Rubin, George	Scanlon, Edward
Senter, Marilyn	Simmons, John Anthony	Splaine, James	Stone, Joseph
Stritch, C. Donald	Syracusa, Anthony	Sytek, Donna	Sytek, John
Tufts, J. Arthur	Vaughn, Charles	Weare, Everett	Welch, David
Weyler, Kenneth			

**STRAFFORD**

Berube, Roger	Brown, George	Callaghan, Frank	Chagnon, Ronald
Douglass, Clyde	Dunlap, Patricia	Grassie, Anne	Hambrick, Patricia
Hemon, Roland	Hilliard, Dana	Keans, Sandra	Knowles, William
Loder, Suzanne	Lundborn, Raymond	Merrill, Amanda	Merritt, Deborah
Musler, George	Pelletier, Arthur	Snyder, Clair	Spear, Barbara
Sullivan, Henry	Tessimond, Shane	Torr, Ann	Torr, Franklin
Torr, Ralph	Vincent, Francis	Wall, Janet	Wheeler, Katherine
Williams, Howard			

**SULLIVAN**

Allison, David	Behrens, Thomas	Cloutier, John	Flint, Gordon
Lindblade, Eric	Palmer, Lorraine	Schotanus, Merle	Stettenheim, Sandy
Whipple, Allen			

**NAYS 99****BELKNAP**

Bartlett, Gordon	Johnson, James	Laflam, Robert	Lawton, David
Lawton, Robert	Rice, Thomas, Jr.	Thomas, John	Wendelboe, Francine

**CARROLL**

Babson, David, Jr.	Howard, Godfrey	Patten, Betsey
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**CHESHIRE**

Delano, Robert	Hunt, John	Laurent, John	McNamara, Wanda
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Steere, Myron, III

**COOS**

Davis, Perley	St. Hilaire, Paul
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**GRAFTON**

Chase, Paul, Jr.	Connolly, Steven	Guaraldi, Lawrence	Ham, Bonnie
Phinney, William	Trelfa, Richard	Williams, William, Jr.	

**HILLSBOROUGH**

Aksten, Cheryl	Andrews, Frederick	Arnold, Thomas, Jr.	Boutin, David
Burke, M. Virginia	Clegg, Robert, Jr.	Daniels, Gary	Dykstra, Leona
Feng, David	Fenton, James	Francoeur, Gary	Gibson, John
Hansen, Herbert	Herman, Keith	Holley, Sylvia	Holt, David
Krochmal, Mark	Kurk, Neal	Lefebvre, Roland	Legacy, Earl
Luebkert, Bernard	MacGillivray, Jeffrey	McMahon, Donald	Messier, Irene
Riley, Frances	Showerman, Peter	Streeter, Janice	Taylor, Paul
Thulander, O. Alan	Wells, Peter, Sr.	White, Donald	Wright, George



**MERRIMACK**

Adams, Stephen  
Feuerstein, Martin  
Pitman, Mary Ellen

Barberia, Richard  
Morrill, Olive  
Shaw, Randall

Brown, Mary  
Nichols, Avis  
Warner, Richard

Crowell, Peter  
Patenaude, Amy

**ROCKINGHAM**

Aranda, M. Kathryn  
Belanger, Ronald  
Goddard, Warren  
Magoon, Harold  
Packard, Sherman  
Sabella, Norma

Arndt, Janet  
Clark, Vivian  
Katsakiores, George  
Malcolm, Ken  
Pratt, Katharin  
Smith, Arthur

Attar, Kevin  
Dunham, Vivian  
Kobel, Rudolph  
Morris, Debbie  
Putnam, Ed, II  
Yennaco, Carol

Beaulieu, Jon  
Gargiulo, Louis  
Lupien, James  
Nowe, Ronald  
Richards, David

**STRAFFORD**

Hanlon, Mark

McKinley, Robert

Reynolds, Charles

Wasson, Richard

**SULLIVAN**

Adler, Rudolf

Krueger, Richard

Peyron, Fredrik

Scott, Robert

and the amendment was adopted.

Report adopted and ordered to third reading.

**SUSPENSION OF RULES**

Rep. Lockwood moved that the Rules be so far suspended as to permit a hearing by the Committee on Judiciary and Family Law, without the required notice on **SB 159**, establishing the department of youth development services, transferring responsibility of the youth services center and youth development center from the division for children, youth, and families to the department of youth development services and abolishing the bureau of residential services, division for children and youth services.

Rep. Lockwood spoke in favor.

Adopted by the necessary two-thirds.

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 51, 104, 121, 127, 133, 137, 192, 202, 213, 257, 344, 443, 456, 515 and HJR 3 and Senate Bills numbered 16 and 83.

Rep. Tufts for the Committee

**RESOLUTION**

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, April 25, 1995 at 1:00 p.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**HB 1-A**, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1996, and June 30, 1997.

**HB 2-FN**, relative to state fees, funds, revenues and expenditures.

**HB 25-A**, making appropriations for capital improvements and establishing a committee to oversee and set priorities for certain appropriations.

**SCR 1**, relative to unfunded federal mandates.

**HR 18**, urging Congress and the New Hampshire Congressional delegation to support school-based meal and nutrition programs.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 3:50 p.m.

#### RECESS

**(Rep. Schotanus in the Chair)**

#### RESOLUTION

Rep. Frances Riley offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 173, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF SENATE BILL

##### First, second reading and referral

**SB 173-FN-L**, relative to foundation aid. (Education)

#### RECESS

**(Rep. Dyer in the Chair)**

#### RESOLUTION

Its introduction having been approved by the Rules Committee:

Rep. Ann Torr offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Resolution numbered 26, shall be by this resolution read a first and second time by the therein listed title.

Adopted.

#### INTRODUCTION OF HR

##### First, second reading

**HR 26**, urging the President of the United States to permit a visit by the President of the Republic of China on Taiwan. (Gage, Rock 26; Feng, Hills 23; O'Rourke, Hills 39)

Rep. Cole moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 18

Tuesday, April 25, 1995

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain Father Edmund Babicz from the Saint Anthony Parish in Sanbornville.

Almighty and eternal God, You guide and govern everything with order and love. Look upon the members of this legislative body and fill them with the spirit of Your wisdom. May they always act in accordance with Your will and their decisions be for the common good of the citizens of our state. In Your name we pray. Amen.

Rep. Bean led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Dolan, Peter Cote, Laura Kane, Healy, Hilliard, Golden, Loder, Clemons and Robert Foster, the day, illness.

Reps. Burnham, Berube, Phinney, Fraser, Franks, Douglass, Hambrick, Pelletier, Hansen, Claudette Jean, Robert Kelley, Dickinson, Linda Smith, Weeks, O'Hearn, Lundborn, DeChane, Allison, Keans, Eaton, Battles, Pfaff and Thomas Cain, the day, important business.

Rep. Charles Cote, the day, illness in the family.

### INTRODUCTION OF GUESTS

Bill and Jean Weaver, guests of Rep. Teschner. Harland and Chester Savage, uncles of Speaker Burns. Sue Warren and Harmon Labelle, guests of Rep. Thomas. Marric Buessing, daughter of Rep. Buessing. Allison, Katie, Abbie and Stephanie Cross and Tim Morrill, daughter, granddaughters and grandson of Rep. Morrill. Sharon Smith, wife of Rep. Edwin Smith

### GUEST ON THE ROSTRUM

Lillian Burns, the mother of Speaker Burns, celebrating her 95th birthday.

### COMMUNICATION

April 19, 1995

Karen Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Rockingham 9, A. Jefferson Cornell, r, Sandown (323 Main St.) 03873

William M. Gardner, Secretary of State

The New Hampshire Order of Women Legislators offered the following:

### HOUSE RESOLUTION NO. 24

acknowledging the 25th Anniversary of Earth Day

WHEREAS, April 22, 1995 does mark the 25th Anniversary of Earth Day in America, and  
WHEREAS, Earth Day is an occasion for all citizens to think about and act on efforts to protect and restore the Earth's natural environment, and

WHEREAS, Earth Day also is an opportunity to educate young citizens about the value of the natural environment and to promote environmental education programs through schools and civic organizations, and

WHEREAS, the ideals behind the celebration of Earth Day will help to preserve and protect the natural environment for the benefit of future generations, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that all New Hampshire citizens be urged to acknowledge Earth Day and participate in as many activities as possible, and be it further

RESOLVED, that salutations and accolades be accorded the national and state organizers of Earth Day observances.

Adopted.

The House of Representatives offered the following:

### HOUSE RESOLUTION NO. 25

expressing sympathies to the citizens of Oklahoma City  
and to the State of Oklahoma

WHEREAS, on April 19, 1995, the tragic and cowardly bombing of the Alfred P. Murrah Federal Building in Oklahoma City caused heavy loss of life and injury to unsuspecting innocent victims, including a large number of helpless children, and

WHEREAS, this terrible tragedy has shaken and outraged the people of New Hampshire, including the 399 members of the House of Representatives, and

WHEREAS, the perpetrators of this heinous and detestable criminal act will find no refuge or sympathy in New Hampshire, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the membership sincerely expresses its deepest heartfelt sympathy to the injured victims and their families and to the families of those who died, and be it further

RESOLVED, that the House of Representatives urges all law enforcement agencies to spare no effort in swiftly bringing to justice the perpetrators of this horrible crime, and that copies of this Resolution be forwarded by the Clerk of the House to the Mayor of Oklahoma City and the Governor of the State of Oklahoma.

Unanimously adopted by a rising vote of silent prayer.

Reps. Gage, Feng and O'Rourke offered the following:

### HOUSE RESOLUTION NO. 26

urging the President of the United States to permit a visit by  
the President of the Republic of China on Taiwan.

Whereas, the Republic of China on Taiwan is the sixth largest trading partner of the United States; and

Whereas, the Republic of China on Taiwan, a model emerging democracy with stable democratic institutions and human rights protection, is deserving of the fullest support of the United States; and

Whereas, Lee Teng-Hui, President of the Republic of China on Taiwan and a graduate of Cornell university, has been invited to visit his alma mater to accept an honorary degree and to attend the annual USA-ROC Economic Council Conference in Anchorage, Alaska; and

Whereas, Lee Teng-Hui has been prevented from entering the United States because the People's Republic of China has opposed such entry and has prevailed upon the state department to deny a visa to President Lee Teng-Hui; and

Whereas, there are no legitimate grounds for excluding President Lee Teng-Hui, the democratic leader of Asia's oldest republic; and

Whereas, diplomatic and trade relations with the Republic of China on Taiwan are in the best interests of the United States and the state of New Hampshire and such interests are served by treating the leader of the Republic of China on Taiwan with respect; and

Whereas, Public Law 108-416 provides that the President of Taiwan shall be welcome in the United States at any time to discuss a host of important bilateral issues; now, therefore, be it Resolved by the House of Representatives:

That the New Hampshire House of Representatives urges the President of the United States to permit President Lee Teng-Hui to enter the United States; and

That copies of this resolution be forwarded by the house clerk to the President of the United States and to each member of the New Hampshire Congressional delegation.

Adopted.

### RESOLUTION

Its introduction having been approved by the Rules Committee:

Reps. Ann Torr and Trombly offer the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Resolution numbered 27, shall be by this resolution read a first and second time by the therein listed title.

Adopted.

**INTRODUCTION OF HR****First, second reading**

**HR 27**, amending the joint rules for the 1995 legislative session. (A. Torr, Straf 12; Trombly, Merr 4)

**HOUSE RESOLUTION NO. 27**

amending the joint rules for the 1995 legislative session.

Resolved by the House of Representatives:

That the following amended version of joint rule 10 of the 1995 legislative session be adopted:

10. The schedule for the second-year session shall be the timetable adopted by both bodies following the procedure outlined in Joint Rule 1(b) and this schedule shall constitute Joint Rule 10 for the second-year session. In the first-year session, all bills in the non-originating body requiring referral to the Finance Committee shall be reported out of all policy committees and referred to the Finance Committee no later than the first Thursday in May in 1995 (May 4). In the first year session, final action, excluding action on enrolled bills committee reports, shall be taken by each house on all bills and joint resolutions as follows:

(a) In the originating body:

(1) On those bills referred to the Finance Committee containing appropriations, or which raise or affect statutes raising revenue, including the budget and capital budget bills, no later than the first Thursday in April in 1995 (April 6).

(2) On all other bills, no later than the third Thursday in March in 1995 (March 16).

(b) In the non-originating body:

(1) On the budget and capital budget bills, and on those bills referred to the Finance Committee containing appropriations, or which raise or affect statutes raising revenue, no later than the third Thursday in May in 1995 (May 18).

(2) On all other bills, no later than the fourth Tuesday in May in 1995 (May 23).

(c) Both bodies shall take final action on all committee of conference reports by the first Tuesday of June in 1995 (June 6).

(1) Reports of committees of conference including the committee of conference on the budget bill and capital budget bill, shall be filed with the clerks of both bodies no later than 3:00 p.m. on the fifth Wednesday in May in 1995 (May 31). Reports on all committees of conference, including the committee of conference on the budget bill and the capital budget bill, shall be available on the first Friday of June in 1995 (June 2).

(2) The report of the committee of conference on the budget bill shall contain a balanced budget for the biennium.

(d) All bills shall be submitted to the Governor for his signature no later than the second Tuesday in June in 1995 (June 13).

The budget bill shall be transmitted to the Governor within one hour of its receipt by the Secretary of State regardless of the actual time of day.

A supplemental budget for the second-year session must be introduced no later than the second Tuesday in January in 1996 (January 9). When each body adjourns it shall adjourn to the joint call of the President of the Senate and the Speaker of the House.

Rep. David Scanlan spoke in favor.

Adopted.

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 118, 134, 195, 197, 198, 234, 241, 323, 346, 360, 406 and HJR 1.

Rep. Buckley, Sen. Currier for the Committee

**ENROLLED BILLS AMENDMENTS**

**HB 351**, establishing an environmental research advisory committee.

**Amendment (2233L)**

Amend RSA 187-B:2, I(f) as inserted by section 1 of the bill by replacing line 1 with the following:

(f) A member of the senate fish and game/recreation committee,

Amend the bill by replacing all after section 2 with the following:

3 Cooperative Extension. Amend RSA 187-B:2, I(k) to read as follows:

(k) A member representing the university of New Hampshire cooperative extension, appointed by the director.

4 Contingency. If HB 205-LOCAL of the 1995 legislative session becomes law, then section 3 of this act shall take effect at 12:01 a.m. of the effective date of this act. If HB 205-LOCAL of the 1995 legislative session does not become law, then section 3 of this act shall not take effect.

5 Effective Date.

I. Section 3 of this act shall take effect as provided in section 4 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

Adopted.

**HB 579-FN**, requiring the executive director of fish and game to report to the general court relative to the bear and moose management funds.

### Amendment (2254L)

Amend section 1 of the bill by replacing lines 7-8 with the following:  
and marine resources committee, and the chairperson of the senate fish and game/recreation committee relative to all receipts and disbursements in the

Adopted.

## SENATE MESSAGES

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 3-FN-A**, making supplemental appropriations for the fiscal year ending June 30, 1995, and relative to state revenues, payments, and fees. (Amendment printed SJ 14, 4/20/95)

Rep. Channing Brown moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Ferguson, Schotanus, Frank Torr and Vaughn.

**HB 109**, relative to what constitutes prostitution. (Amendment printed SJ 13, 4/13/95)

Rep. Donna Sytek moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Lozeau, Knowles, Lyman, MacIntyre.

**HB 143**, relative to transporting loads on highways. (Amendment printed SJ 13, 4/13/95)

Rep. George Katsakiores moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. George Katsakiores, Mock, Sherman Packard and Krochmal.

**HB 185**, transferring the Christa McAuliffe planetarium commission to the department of postsecondary technical education, and repealing certain rulemaking provisions. (Amendment printed SJ 13, 4/13/95)

Rep. Mercer moved that the House concur.

Adopted.

**HB 217**, relative to the profession of engineering and the boards of engineers, architects, land surveyors, natural scientists, and foresters. (Amendment printed SJ 13, 4/13/95)

Rep. Mercer moved that the House concur.

Adopted.

**HB 369-A**, establishing a committee to study the feasibility of leasing the Mount Sunapee and Cannon Mountain ski areas. (Amendment printed SJ 13, 4/13/95)

Rep. Gene Chandler moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Gene Chandler, McCarty, Boutin and Sullivan.

**HB 370**, extending the reporting date for the study requested of the Dartmouth Medical School concerning services for older adults under 1993, 358:5. (Amendment printed SJ 13, 4/13/95)

Rep. Holmes moved that the House concur.

Adopted.

**HB 389**, defining compensation for the purposes of determining immunity from liability for directors and officers of nonprofit organizations. (Amendment printed SJ 13, 4/13/95)

Rep. Lockwood moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hess, Hart, Kennedy and Wall.

**HB 438**, establishing a committee to study early voting in New Hampshire. (Amendment printed SJ 14, 4/20/95)

Rep. Flanagan moved that the House concur.

Adopted.

**HB 572-FN-A**, relative to the exemption for hospitals under the meals and rooms tax. (Amendment printed SJ 14, 4/20/95)

Rep. Channing Brown moved that the House concur.

Adopted.

**HB 616**, relative to scenic byways. (Amendment printed SJ 13, 4/13/95)

Rep. Gene Chandler moved that the House concur.

Adopted.

**HB 636-FN**, relative to advertising devices on scenic and cultural byways and increasing the membership of the scenic and cultural byways council. (Amendment printed SJ 13, 4/13/95)

Rep. Gene Chandler moved that the House concur.

Rep. Rogers yielded to questions.

Adopted.

### CONCURRENCE

**HB 108**, changing certain specific terminology to more general terminology in certain fish and game laws.

**HB 141**, enabling towns, school districts and village districts to use the official ballot for voting on budgetary warrant articles and amending the charter process.

**HB 142**, regulating boaters and divers as to the use of dive flags.

**HB 194**, relative to the equipment required on all terrain vehicles.

**HB 197**, authorizing the formation of a water district to address water issues on the seacoast.

**HB 204**, exempting hospitals licensed by the state from certain provisions of the New Hampshire pharmacists and pharmacies statutes.

**HB 214**, relative to banking department examinations of first and second mortgage loan licensees.

**HB 241**, making technical changes in the business taxes.

**HB 300**, relative to drinking water violations.

**HB 313-FN**, relative to a defendant's repayment of counsel expenses that have been paid by the state.

**HB 323-FN**, authorizing a New Hampshire Pearl Harbor survivor special number plate.

**HB 346**, requiring the Merrimack county commissioners to be elected on a rotating basis.

**HB 379**, relative to zoning height limitations on amateur radio towers.

**HB 405**, relative to the minimum wage law.

**HB 406**, relative to community service under workers' compensation.

**HB 409**, relative to absentee voter registration.

**HB 410**, relative to the baiting season and the bear dog training season.

**HB 416**, relative to aggravated felonious sexual assault.

**HB 421**, establishing a joint committee to examine the best way to ensure an efficient system of criminal prosecution at the district and superior court level.

**HB 424**, relative to the naming of real estate acquired by the state and relative to the naming of Northwood Meadows State Park.

**HB 429**, relative to the election of the members of the board of cemetery trustees, and relative to the powers and duties of cemetery trustees.

**HB 430**, relative to branch banking and bank holding company affiliates.

**HB 442**, extending the temporary rates for the meals and rooms tax, telecommunications tax and real estate transfer tax through the biennium ending June 30, 1997.

**HB 467**, allowing registered nurses employed by licensed home health care agencies to possess and administer certain noncontrolled prescription drugs under certain conditions.

**HB 478-FN**, relative to issuing operating permits to major stationary sources of air pollution.

**HB 531-FN**, relative to recounts, including certain fees.

**HB 563-FN**, relative to the repair and maintenance of the road from New Hampshire route 10 to the Connecticut River in Bedell Bridge state park and relative to the construction of a boat launch at the park.

**HB 631**, designating the New Hampshire tartan.

**HB 653**, allowing the board of manufactured housing to adopt interim rules.

**HJR 1**, reaffirming state sovereignty under the 10th Amendment to the United States Constitution.

**HJR 4**, urging the United States Congress and the United States Environmental Protection Agency to make certain changes in the Clean Air Act amendments which would enable states to better comply with the law.

### CONCURRENCE WITH AMENDMENTS

**SB 76-FN**, exempting family entertainment centers from gambling prohibitions.

**SB 112-L**, relative to the maintenance and discontinuance of class V highways.

### NONCONCURRENCE

**HB 246**, requiring life insurance companies to review their records and notify beneficiaries in the event a policy becomes payable.

**HB 367**, to promote the use of the metric system in certain public and private entities.

**HB 368-L**, granting municipalities the option to change the interest rate on delinquent property taxes, property redemptions, subsequent property taxes, and certain other delinquent local taxes.

**HB 453**, relative to administration of medications by residential care facility and supported residential care facility staff members.

**HB 498-FN**, relative to administrative review of suspended or revoked motor vehicle licenses.

**HB 513-FN-L**, authorizing the department of justice to hire a special investigator to be funded through fees paid to the occupational regulatory boards and commissions.

### ACCEDES TO REQUESTS FOR COMMITTEES OF CONFERENCE

**HB 203**, relative to trust company commencement of business.

The President appointed Sens. Fraser, Danais and Shaheen.

**HB 502**, amending the fiscal note law.

The President appointed Sens. Rodeschin, Keough and Larsen.

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

**SB 5**, relative to information to be filed with the insurance department. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard L. Hill for Commerce, Small Business, Consumer Affairs and Economic Development: The amendment was to change the term "as such agency" to governmental or regulatory agency. This controls where information may be released. It was requested by the Insurance Department. Vote 18-0.

#### Amendment (2131L)

Amend RSA 400-A:36-c as inserted by section 2 of the bill by replacing it with the following: 400-A:36-c Confidentiality. All financial analysis ratios and examination synopses concerning insurance companies that are submitted to the department by the National Association of



Insurance Commissioners' Insurance Regulatory Information System are confidential and shall not be disclosed by the department. *Nothing contained in this title shall prevent or be construed as prohibiting the commissioner from disclosing any other material or information obtained by the commissioner in line with the duties of the commissioner's office so long as the governmental or regulatory agency or office receiving the information agrees in writing to keep it confidential and in a manner consistent with this title.*

#### AMENDED ANALYSIS

This bill requires that quarterly statements be filed with the National Association of Insurance Commissioners on diskette as well as in hard copy.

The bill also modifies the confidentiality requirements for financial analysis ratios and examination synopses concerning insurance companies.

**SB 17**, establishing a committee to continue the study of exclusivity contracts between health care insurers and health care providers and the feasibility of creating health care provider cooperative agreements. **OUGHT TO PASS WITH AMENDMENT**

Rep. Bonnie B. Packard for Commerce, Small Business, Consumer Affairs and Economic Development: This bill merges two previous study committees and continues the study of exclusivity contracts between health care insurers and providers and the feasibility of creating health care provider cooperative agreements. The amendment deletes the public member, two commissioners and the representative of the NH Medical Society. Joint Rule 24 states membership on study committees created by session laws shall be limited to members of the General Court. Vote 16-1.

#### Amendment (2252L)

Amend section 1 of the bill by deleting paragraphs III-VI.

Amend section 4 of the bill by replacing it with the following:

4 Report. The committee shall submit its report with its recommendations, together with any proposed legislation for the 1996, legislative session, to the speaker of the house, the president of the senate, the governor, the house clerk, the senate clerk, and the state library on or before November 1, 1995.

**SB 29**, relative to insurers' disclosure of material transactions. **OUGHT TO PASS**

Rep. Keith R. Herman for Commerce, Small Business, Consumer Affairs and Economic Development: Although the state Insurance Department already requires this information to be submitted to the Insurance Department by the insurance companies, this specific language needs to be put into statute to keep our accreditation. There was no testimony in opposition to this bill. There will be no additional burden on the insurance companies. Vote 16-0.

**SB 30**, relative to life, accident and health insurance. **OUGHT TO PASS**

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: Senate Bill 30 makes a number of technical and housekeeping changes. These changes were reviewed and approved by two subcommittees. Vote 16-0.

**SB 32**, relative to risk-based capital for insurers. **OUGHT TO PASS**

Rep. John B. Hunt for Commerce, Small Business, Consumer Affairs and Economic Development: This bill revises the chapter on risk-based capital for insurers and now includes property-casualty companies. Risk-based capital is a series of formulas to allow the Insurance Commissioner to examine an insurers' financial position. Vote 16-0.

**SB 33**, regarding standard valuation of insurance policies. **OUGHT TO PASS**

Rep. Bonnie B. Packard for Commerce, Small Business, Consumer Affairs and Economic Development: This bill was requested by the Insurance Department to replace RSA 410 with a more comprehensive and up-to-date financial solvency measure. This new language sets minimum standards for the computation used by all life insurers to annually value their reserve liabilities. Vote 18-0.

**SB 102**, allowing for discharges of mortgages by affidavit. **INEXPEDIENT TO LEGISLATE**

Rep. Eric N. Lindblade for Commerce, Small Business, Consumer Affairs and Economic Development: This bill was deemed unnecessary as existing law already addresses the problem

of the failure of mortgagors to provide evidence of the discharge of a mortgage in a timely fashion. Vote 16-1.

**SB 80**, reinstating the charters of Dundee Mountain Development Corp. and Cable Connector Corporation of America. **OUGHT TO PASS WITH AMENDMENT**

Rep. Carol H. Holden for Constitutional and Statutory Revision: This bill reinstates the charters of five New Hampshire corporations. The corporations are required to file any annual reports required by law, to file an affidavit with the Secretary of State that there are no lawsuits pending against the corporation, and to obtain a certificate of good standing from the Department of Revenue Administration. Vote 11-0.

### Amendment (2154L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

reinstating the charters of Dundee Mountain Development Corp.,  
Cable Connector Corporation of America, Sigma General, Inc.,  
Yipes Stripes of New Hampshire, Inc., and  
Jenesco, Incorporated.

Amend the bill by replacing all after the enacting clause with the following:

1 Reinstatement of Dundee Mountain Development Corp. The charter of Dundee Mountain Development Corp. of Center Conway, New Hampshire, incorporated on October 26, 1970, was forfeited on July 15, 1977, under former RSA 293-A:95, I(a) now codified at RSA 293-A:14.21. Upon payment of any fees in arrears, a reinstatement fee at \$135 under RSA 293-A:1.22(a)(7), the filing of any annual reports required by law, the filing of an affidavit with the secretary of state stating that there are no lawsuits pending against the corporation, and obtaining a certificate of good standing from the department of revenue administration, Dundee Mountain Development Corp. shall be reinstated for all purposes as a New Hampshire corporation. This reinstatement shall be retroactive to July 15, 1977.

2 Reinstatement of Cable Connector Corporation of America. The charter of Cable Connector Corporation of America of Concord, New Hampshire, incorporated on October 7, 1980, was forfeited on November 1, 1989, under former RSA 293-A:95, I(a) now codified at RSA 293-A:14.21. Upon payment of any fees in arrears, a reinstatement fee at \$135 under RSA 293-A:1.22(a)(7), the filing of any annual reports required by law, the filing of an affidavit with the secretary of state stating that there are no lawsuits pending against the corporation, and obtaining a certificate of good standing from the department of revenue administration, Cable Connector Corporation of America shall be reinstated for all purposes as a New Hampshire corporation. This reinstatement shall be retroactive to November 1, 1989.

3 Reinstatement of Sigma General, Inc. The charter of Sigma General, Inc., of Stratham, New Hampshire, incorporated on March 28, 1979, was forfeited on November 1, 1991, under former RSA 293-A:95, I(a) now codified at RSA 293-A:14.21. Upon payment of any fees in arrears, a reinstatement fee at \$135 under RSA 293-A:1.22(a)(7), the filing of any annual reports required by law, the filing of an affidavit with the secretary of state stating that there are no lawsuits pending against the corporation, and obtaining a certificate of good standing from the department of revenue administration, Sigma General, Inc. shall be reinstated for all purposes as a New Hampshire corporation. This reinstatement shall be retroactive to November 1, 1991.

4 Reinstatement of Yipes Stripes of New Hampshire, Inc. The charter of Yipes Stripes of New Hampshire, Inc., of Manchester, New Hampshire, incorporated on August 24, 1981, was forfeited on November 1, 1990, under former RSA 293-A:95, I(a) now codified at RSA 293-A:14.21. Upon payment of any fees in arrears, a reinstatement fee at \$135 under RSA 293-A:1.22(a)(7), the filing of any annual reports required by law, the filing of an affidavit with the secretary of state stating that there are no lawsuits pending against the corporation, and obtaining a certificate of good standing from the department of revenue administration, Yipes Stripes of New Hampshire, Inc. shall be reinstated for all purposes as a New Hampshire corporation. This reinstatement shall be retroactive to November 1, 1990.

5 Reinstatement of Jenesco, Incorporated. The charter of Jenesco, Incorporated of Amherst, New Hampshire, incorporated on September 17, 1987, was forfeited on November 1, 1991, under

former RSA 293-A:95, I(a) now codified at RSA 293-A:14.21. Upon payment of any fees in arrears, a reinstatement fee at \$135 under RSA 293-A:1.22(a)(7), the filing of any annual reports required by law, the filing of an affidavit with the secretary of state stating that there are no lawsuits pending against the corporation, and obtaining a certificate of good standing from the department of revenue administration, Jenesco, Incorporated shall be reinstated for all purposes as a New Hampshire corporation. This reinstatement shall be retroactive to November 1, 1991.

6 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill reinstates the charters of Dundee Mountain Development Corp., Cable Connector Corporation of America, Sigma General, Inc., Yipes Stripes of New Hampshire, Inc., and Jenesco, Incorporated.

**SB 129**, relative to packages and packaging components under the toxic reduction laws. **OUGHT TO PASS**

Rep. M. Kathryn Aranda for Environment and Agriculture: This change in the toxic reduction laws was developed by a working group under the Coalition of Northeast Governors. It is supported by the Department of Environmental Services and the regulated community. Vote 16-0.

**SB 12**, relative to the committee studying long-term care for the elderly. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eleanor H. Amidon for Health, Human Services and Elderly Affairs: It was necessary to extend the reporting date of the committee studying funding of long-term care for the elderly. Fulfilling the proposal submitted to and accepted by Robert Wood Johnson Foundation of finding initiatives in funding elderly care is a project of major magnitude already in process. Subcommittees of the original committee are addressing parts of the funding initiatives plan. The original committee now designated as participants will remain in an advisory capacity. It is necessary to add members who have a close identity to the study subject matter. Vote 17-0.

#### Amendment (1978L)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Members Added. Amend 1993, 37:2 by inserting after paragraph XIV the following new paragraphs:

XV. The governor, or a representative from the governor's office.

XVI. The director of human services, department of health and human services, or designee.

XVII. A representative of the New Hampshire chapter of the American Association of Retired Persons, appointed by the state director of the association.

XVIII. A representative of the Elder Law Section of the New Hampshire Bar Association, appointed by the president of the association.

2 Date Extended. Amend 1993, 37:4 as amended by 1994, 156:3 to read as follows:

37:4 Report. The committee shall submit its report with its recommendations, together with any proposed legislation for the [1995] **1997** legislative session, to the speaker of the house, the president of the senate and the governor on or before November 1, [1995] **1996**.

3 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill extends the committee studying the provision of and funding mechanisms for long-term care services for the elderly and adds new members to the committee.

**SB 25**, relative to case management by the state in lead paint poisoning cases. **OUGHT TO PASS WITH AMENDMENT**

Rep. Alice S. Ziegler for Health, Human Services and Elderly Affairs: The original bill contained a tenant questionnaire which prescribed many problems. The amendment deletes the questionnaire but leaves the notification of property owners that there has been a finding of 15.0

to 19.9 micrograms per deciliter in the blood of a tenant's child. It does not specify the location of the lead source nor does it order abatement. It prohibits the property owner from evicting tenants for this reason. Vote 18-0.

#### **Amendment (2156L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

requiring property owner notification in certain lead exposure cases.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. The general court recognizes that lead enters the environment from many sources and that all such lead sources may affect young children.

2 New Section; Property Owner Notification. Amend RSA 130-A by inserting after section 6 the following new section:

130-A:6-a Property Owner Notification.

I. The division shall make reasonable efforts to notify in writing the owner of a dwelling or dwelling unit where the child resides if lead levels of 15 to 19.9 micrograms per deciliter are found in the child's blood. Such notice to the property owner shall specify that it is neither a finding that a lead exposure exists in the property nor is it an order to abate.

II. Eviction of a tenant based on the presence in the dwelling or dwelling unit of a child with a blood level of 15 to 19.9 micrograms per deciliter shall be unlawful. There shall be a rebuttable presumption that any eviction action, instituted by the owner within 6 months of receipt of the notice sent by the division pursuant to paragraph I, is based on the child's elevated blood lead level. If a court finds that an eviction is based on the child's elevated blood lead level, it shall deny the eviction and award damages to the tenant pursuant to RSA 540:14, II. However, if an owner in response to the notice from the division discovers a lead exposure hazard in the dwelling or dwelling unit, the owner may proceed with relocation of the tenants, provided that the owner meets the requirements of RSA 130-A:8-a, I or II.

III. Refusal of a tenant to permit the owner to have access to the dwelling or dwelling unit in order to inspect for lead exposure hazards shall be good cause for eviction pursuant to RSA 540:2, II(e); provided, however, that the owner gives the tenant at least 48 hours' prior written notice, and that the inspection is to be conducted at a reasonable time.

3 Effective Date. This act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill establishes a procedure for property owner notification if elevated lead levels are found in a child who resides in the owner's dwelling.

**SB 27**, relative to lead poisoning prevention and control. **OUGHT TO PASS WITH AMENDMENT**

Rep. Alice S. Ziegler for Health, Human Services and Elderly Affairs: This bill would allow the use of encapsulants which are less expensive and easier to apply for the abatement of lead paint. The committee amended it to have the encapsulant approved by the Director of the Division of Public Health, as well as by other states or the federal government. Vote 18-0.

#### **Amendment (2153L)**

Amend RSA 130-A:1, VII(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Paints or other substances approved as encapsulants by public health authorities in any other state, and approved by the director;

**SB 60**, relative to ambulatory care clinics' quality assurance programs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eleanor H. Amidon for Health, Human Services and Elderly Affairs: The Quality Assurance Procedures of New Hampshire hospitals and medical practices guarantee confidentiality as they internally access their procedures and practice outcomes without danger of legal proceedings being instituted against them. Ambulatory care clinics also wished to have this self-governing process without vulnerability to law suits. The amendment adds the medical and

forensic services of the New Hampshire Department of Corrections which currently average 3,000 ambulatory visits a month and at the moment are vulnerable to scrutiny of their medical procedures in court cases. Vote 19-0.

#### **Amendment (2048L)**

Amend RSA 151-D:1, I as inserted by section 1 of the bill by replacing it with the following:

I. "Ambulatory care clinic" means any institution or organization, publicly or privately owned, for-profit or not-for-profit, which is engaged in the operation of, or formed for the purposes of operating, an ambulatory health care facility, licensed by the state of New Hampshire, in which health care services are offered to the public on an outpatient basis by or under the direction of physicians licensed by the state of New Hampshire and licensed health care professionals. The term "ambulatory care clinic" shall also include medical facilities operated by the division of medical and psychiatric services, department of corrections.

Amend RSA 151-D:2, II as inserted by section 1 of the bill by replacing it with the following:

II. An ambulatory care clinic board of directors or trustees, or in the case of the division of medical and psychiatric services, the commissioner of the department of corrections, may waive the privilege under this section and release information or present records of the quality assurance program by discovery, subpoena, or admission into evidence in any judicial or administrative proceeding.

#### **AMENDED ANALYSIS**

This bill declares that the records of an ambulatory care clinic's quality assurance program are confidential, but are discoverable in certain situations. Under this bill ambulatory care clinics include medical facilities operated by the division of medical facilities operated by the division of medical and psychiatric services, department of corrections.

**SB 122-FN**, relative to delivery of trauma care services and making an appropriation therefor. **OUGHT TO PASS**

Rep. Marilyn P. Senter for Health, Human Services and Elderly Affairs: This bill came about as a result of four years of work by the Legislative Trauma Care Study Committee. It establishes an organized system of trauma care services, integrated, as it should be, into the current emergency medical services laws. The bill also addresses, through waiver provisions, state-wide reciprocity concerns. The fiscal note calls for an appropriation of \$1, contingent upon receipt of federal highway safety funds from the New Hampshire Highway Safety Agency. Vote 15-0.

Referred to Finance.

**SB 14-L**, concerning inclement weather liability on municipal property other than highways. **OUGHT TO PASS WITH AMENDMENT**

Rep. Margaret D. Hallyburton for Judiciary and Family Law: This bill extends the existing limitation to liability for weather-related injuries on municipal highways and sidewalks to property or premises other than highways and sidewalks. The amendment restricts the limited liability to situations where the weather is the sole cause of the harm. The committee supports this bill because it makes the law consistent. Vote 12-1.

#### **Amendment (2200L)**

Amend RSA 507-B:2-b as inserted by section 2 of the bill by replacing it with the following:

507-B:2-b Snow, Ice and Other Weather Hazards. Notwithstanding RSA 507-B:2, a municipality shall not be liable for damage arising from insufficiencies or hazards on any premises owned, occupied, maintained or operated by it, even if it has actual notice of them, when such hazards are caused solely by snow, ice, or other inclement weather, and the municipality's failure or delay in removing or mitigating such hazards is the result of its implementation, absent gross negligence or reckless disregard of the hazard, of a winter or inclement weather maintenance policy or set of priorities with respect to such premises, adopted in good faith by the official responsible for such policy. All municipal employees, officials, and agents shall be presumed to be acting pursuant to such a policy or set of priorities in the absence of proof to the contrary.

**SB 15**, extending the committee to review the current procedures of the central registry in the

department of health and human services. **OUGHT TO PASS**

Rep. David W. Hess for Judiciary and Family Law: This non-controversial bill extends the life of this existing study committee to November 1, 1995 and makes all non-legislative members non-voting members. Vote 13-0.

**SB 37**, exempting certain organizations' recreation programs from state child day care licensing requirements. **OUGHT TO PASS WITH AMENDMENT**

Rep. Julie M. Brown for Judiciary and Family Law: This bill exempts recreation programs of the Boys Club, Girls Club, Girls Inc., YMCA, YWCA and any school or church group from child care licensing requirements. The amendment added the Y's. The committee feels licensing requirements would be onerous and unnecessary for these types of programs. Vote 11-1.

#### **Amendment (2085L)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Specific Organization's Programs Exempt from Day Care Licensing Requirements. Amend RSA 170-E:3, I by inserting after subparagraph (f) the following new subparagraph:

(g) Any recreation program of the Boys Club, Girls Club, Girls, Inc., YMCA, YWCA and any school or church group.

2 Effective Date. This act shall take effect 60 days after its passage.

**SB 44**, relative to acknowledgments by a notary public. **OUGHT TO PASS**

Rep. Josephine Mayhew for Judiciary and Family Law: This bill allows a notary public to use either an official seal or an official rubber stamp to acknowledge instruments. Vote 13-1.

**SB 79-FN**, transferring jurisdiction over the town of Northwood from the Auburn District Court to the Pittsfield District Court; and relative to retirement service credit for district court special justices who are appointed justices. **INEXPEDIENT TO LEGISLATE**

Rep. Robert A. Lockwood for Judiciary and Family Law: The committee acknowledged the requests of all sponsors of the bill to vote the bill inexpedient to legislate. The requests were precipitated by recent action of Northwood town officials who made arrangements to have their cases prosecuted in Auburn District Court by the Rockingham County attorney. Vote 13-0.

**SB 121-FN-A**, establishing a pilot program to recover all fees and costs paid by the state for guardian ad litem services in divorce actions and making an appropriation therefor. **OUGHT TO PASS**

Rep. Alf E. Jacobson for Judiciary and Family Law: This bill establishes a pilot program to recover the state's costs of guardian ad litem services in marital cases. It is estimated that the state will recover \$304,000 over expenditures in the two year program. The expectation is that if the pilot program succeeds, the process will be incorporated into statutory law. Vote 12-0.

Rep. Hallyburton declared a conflict of interest and did not participate.

**SB 159-FN**, establishing the department of youth development services, transferring responsibility of the youth services center and youth development center from the division for children, youth, and families to the department of youth development services and abolishing the bureau of residential services, division for children and youth services. **RE-REFER TO COMMITTEE**

Reps. Nick Hart and Lionel W. Johnson for Judiciary and Family Law: This bill would establish the department of youth development services, and it would transfer the youth services center (YSC) and youth development center (YDC) from DCYF to the newly-established department. The committee has previously proposed, and the House has passed, under HB 59 the establishment of a study committee, consisting of the full membership of the House Judiciary and Family Law Committee, to report out by October 1st on privatization of the YDC and YSC. Re-referral will allow us to study all options together, while eliminating no option prematurely. Vote 14-1.

**SB 153-A**, adding the reconstruction of sections of U.S. Route 3/New Hampshire Route 11 in the towns of Belmont and Tilton to the state 10-year transportation plan. **RE-REFER TO COMMITTEE**

Rep. John P. Chandler for Public Works and Highways: This bill would add three important

projects recommended by the US Route 3/NH Route 11 Franklin-to-Laconia-Transportation-Corridor Study (Chapter 231, Laws of 1992) and enjoying broad local support to the 10 Year Transportation Plan (RSA 240) enacted last year. Concurrently, the planning process to update the 10 Year Transportation Plan every two years (RSA 228:99), also enacted last year, is underway, and the Lakes Region Planning Commission recommended to the NH Department of Transportation on March 27, 1995, that these same projects be given highest priority as additions in the Lakes Region to the 10 Year Plan. The NH DOT supports the study recommendations and can be expected to incorporate these projects in the current update. The committee does not desire to amend the present plan, when the same outcome can be expected by awaiting the update. However, killing this bill could present problems when this update comes to the Legislature in January 1996, under a narrow interpretation of the rules prohibiting reintroduction of a bill indefinitely postponed in the first-year session. Therefore, the committee recommends that this bill be re-referred to committee. Should these high priority projects happen to be omitted in the Governor's January 1996 update, amendment by the Legislature remains a possibility. Vote 14-0.

**SB 169-A**, relative to the design of the relocation and reconstruction of NH Route 140 in the town of Belmont and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. John P. Chandler for Public Works and Highways: Sections 1, 2 and 3 of this bill would raise by bonding and appropriate \$2 million to design a bypass around the Village of Belmont. The intent of this action is to advance this project ahead of other planned projects. There are two problems with taking this action: (1) the concomitant debt service will draw funds away from the highway and bridge betterment account (Chapter 340, 1994), and (2) even if design were expedited there is no reasonable assurance that construction money for right-of-way acquisition will be available in the near future. Consequently, the committee does not support the appropriation. On the matter of Section 4 (added by committee amendment in the Senate,) the process discussed above for SB 153-A has already resulted in a recommendation by Lakes Region Planning Commission that the NH Route 140 project be added to the 10 Year Transportation Plan. For the same reasons, the committee recommends re-referring to committee, leaving the way open for further legislative action in the 1996 session. Vote 15-0.

**SB 58**, relative to the possession of validated detached deer tags. OUGHT TO PASS

Rep. Joseph N. Feuer for Wildlife and Marine Resources: This bill simply returns language previously removed from the law that prohibits the possession of a validated deer tag not attached to the body of the hunting license or the body of a deer. Such possession is a strong indication that the bearer contemplates harvesting an additional animal illegally. The previous license form provided the tag separately, necessitating the deletion of this stipulation. Vote 17-0.

## REGULAR CALENDAR

**SB 19**, regulating persons who sell agricultural, industrial, forest and related equipment. OUGHT TO PASS WITH AMENDMENT

Rep. Bonnie B. Packard for Commerce, Small Business, Consumer Affairs and Economic Development: This bill regulates agreements made by dealers selling agricultural, industrial, forest and related equipment. Twenty-six states currently have this legislation and fourteen have a portion of it. This provides these dealers the protection that New Hampshire auto dealers now enjoy. The Commissioner of Agriculture testified in support. No one spoke in opposition. The amendment changes the effective date. Vote 16-2.

### Amendment (2231L)

Amend the bill by replacing section 2 with the following:

2 Applicability. This act shall apply to all continuing agreements and contracts which do not have an expiration date in effect upon the effective date of this act. This act shall apply to all other agreements entered into, renewed or amended on or after the effective date of this act.

3 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted and ordered to third reading.

**SB 71**, relative to insurance payments for registered nurse first assistants. **INEXPEDIENT TO LEGISLATE**

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: The committee feels RNFA should go to ED & A for certification before requesting third party payments. In the meantime, these services will be available because 67% of the insurers are paying for their services. Therefore, there will continue to be quality patient care. The policy of the Commerce Committee this session has been to wait until the Health committee completes its study before granting additional third party payments. Vote 14-4.

Rep. Gage yielded to questions.

Adopted.

**CACR 10**, relating to the governor's veto power. Providing that the governor shall have line item reduction and line item veto power of items of appropriation in any bill making appropriations of money. **INEXPEDIENT TO LEGISLATE**

Rep. Jack B. Willis for Constitutional and Statutory Revision: The majority of the Committee felt that the Legislature would lose considerable authority dealing with the state budget. CACR 10 would give excessive power to the Governor. Vote 11-8.

Adopted.

Rep. Frances Riley wished to be recorded in opposition.

**CACR 11**, relating to 6-person juries. Providing that a 12-person jury is required in capital cases and when imprisonment may be more than one year, but that other juries shall consist of 6 persons. **INEXPEDIENT TO LEGISLATE**

Rep. Janet S. Arndt for Constitutional and Statutory Revision: This CACR had more testimony opposed to it than for it. The main reason for supporting a six-man jury was cost. However, since the misdemeanors have been divided into Class A and Class B, the need for jury trial is less and the financial savings would not be substantial. Today, a defendant can opt for a six-man jury if he so chooses. The majority of the Committee also felt that one juror could influence five jurors more easily than one juror could influence 11 jurors. The decision of one year in jail should rest with 12 persons rather than with six. Vote 20-1.

Adopted.

**CACR 17**, relating to term limits for federal and state representatives and senators. Providing that the terms of office for the members of the United States Congress from New Hampshire shall be limited to 12 consecutive years, so long as such restriction does not violate the United States Constitution, and the terms for the members of the New Hampshire house and senate shall be limited to 12 consecutive years. **INEXPEDIENT TO LEGISLATE**

Rep. Charles W. Chandler for Constitutional and Statutory Revision: The mixing of federal and state term limits was inappropriate to the Committee, particularly in view of the Committee's passage of SB 1. Vote 13-8.

Rep. Charles Chandler yielded to questions.

Rep. Cooper requested a roll call; sufficiently seconded. The question being the adoption of the report.

**YEAS 216 - NAYS 131****YEAS 216****BELKNAP**

Holbrook, Robert  
Turner, Robert

Lawton, David  
Wendelboe, Francine

Lawton, Robert  
Ziegra, Alice

Rice, Thomas, Jr.

**CARROLL**

Babson, David, Jr.  
Lyman, L. Randy

Beach, Mildred  
Patten, Betsey

Chandler, Gene  
Philbrick, Donald

Howard, Godfrey

**CHESHIRE**

Cole, Stacey  
Feuer, Joseph  
Pratt, Irene

DePecol, Benjamin  
Laurent, John  
Richardson, Barbara

Delano, Robert  
McGuirk, Paul  
Riley, William

Doucette, Richard  
Metzger, Katherine  
Royce, H. Charles



Smith, Edwin

## COOS

Bradley, Paula  
Guay, Lawrence  
Mears, Edgar

Coulombe, Henry  
Hawkinson, Marie  
Merrill, Gerald

Coulombe, Yvonne  
Horton, Lynn  
St. Hilaire, Paul

Davis, Perley  
Mayhew, Josephine

## GRAFTON

Adams, Carl  
Brown, Channing  
Guaraldi, Lawrence  
LaMott, Paul  
Mirski, Paul

Bean, Pamela  
Connolly, Steven  
Guest, Robert  
Larson, Nils, Jr.  
Nordgren, Sharon

Below, Clifton  
Copenhaver, Marion  
Ham, Bonnie  
Lovett, Sidney  
Scanlan, David

Brown, Alson  
Crory, Elizabeth  
Hill, Richard  
MacNeil, Allen  
Teschner, Douglass

## HILLSBOROUGH

Ahern, Richard  
Andrews, Frederick  
Bergeron, Normand  
Cepaitis, Elizabeth  
Dokmo, Cynthia  
Fenton, James  
Gotham, Rita  
Herman, Keith  
Kirby, Thomas  
Lefebvre, Roland  
Martin, Mary  
Mercer, Robert  
Packard, Bonnie  
Reidy, Frank  
Showerman, Peter  
Turgeon, Roland  
White, Donald

Aksten, Cheryl  
Asselin, Robert  
Boutin, David  
Chabot, Robert  
Drabinowicz, A. Theresa  
Fields, Dennis  
Goulet, Maurice  
Hussey, Mary  
Kurk, Neal  
Lozeau, DonnaLee  
McMahon, Donald  
Messier, Irene  
Pappas, Marc  
Sallada, Roland  
Streeter, Janice  
Wells, Peter, Sr.  
White, John

Alukonis, David  
Barry, Janet  
Bridgewater, Charles  
Daniels, Gary  
Durham, Susan  
Foster, Linda  
Hall, Betty  
Jean, Loren  
L'Heureux, Robert  
Luebkert, Bernard  
McRae, Karen  
Mittelman, David  
Pepino, Leo  
Sargent, Maxwell  
Thulander, O. Alan  
Wheeler, Craig  
Worthen, Dorothy

Amidon, Eleanor  
Belvin, William  
Calawa, Leon, Jr.  
Dodge, Emma  
Emerton, Lawrence, Sr.  
Gagnon, Eugene  
Hart, Nick  
Johnson, Lionel  
LaRose, Richard  
Marcinkowski, Michael  
Melcher, Harold  
Morello, Michael  
Philbrook, Paula  
Searles, Stanley, Sr.  
Toomey, Kathryn  
Wheeler, Robert  
Wright, George

## MERRIMACK

Barberia, Richard  
DeStefano, Stephen  
Lockwood, Robert  
Newland, Matthew  
Whalley, Michael

Chandler, Charles  
Dunn, Miriam  
MacKay, James  
Nichols, Avis  
Whitemore, James

Chandler, Earle  
Feuerstein, Martin  
Moore, Carol  
Wallner, Mary Jane

Coughlin, Anne  
Kennedy, Richard  
Morrill, Olive  
Warner, Richard

## ROCKINGHAM

Abbott, Dennis  
Boucher, William  
Coes, Betsy  
Dowd, Sandra  
Gargiulo, Louis  
Katsakiores, George  
Langley, Jane  
Morris, Debbie  
Richards, David  
Simmons, John Anthony  
Sytek, John

Aranda, M. Kathryn  
Camm, Kevin  
Conroy, Janet  
Dube, LeRoy  
Hurst, Sharleene  
Katsakiores, Phyllis  
Magoon, Harold  
Noyes, Richard  
Ross, James  
Smith, Arthur  
Tufts, J. Arthur

Arndt, Janet  
Clark, Martha  
Cornell, A. Jefferson  
Felch, Charles, Sr.  
Johnson, Robert  
Kelley, Jane  
Malcolm, Ken  
Pantelakos, Laura  
Scanlon, Edward  
Stritch, C. Donald  
Vaughn, Charles

Belanger, Ronald  
Clark, Vivian  
Cote, Patricia  
Flanders, John, Sr.  
Kane, Cecelia  
Kruse, Fred  
McCarthy, John, Jr.  
Pratt, Katharin  
Senter, Merilyn  
Sytek, Donna  
Weare, Everett

## STRAFFORD

Brown, Julie  
McCann, William, Jr.  
Nehring, William  
Sullivan, Henry

Dunlap, Patricia  
Merrill, Amanda  
Reynolds, Charles  
Torr, Ann

Hemon, Roland  
Merritt, Deborah  
Snyder, Clair  
Torr, Franklin

Knowles, William  
Musler, George  
Steadman, Frederick  
Torr, Ralph

Vincent, Francis

Wall, Janet

Wasson, Richard

Wheeler, Katherine

**SULLIVAN**Cloutier, John  
Palmer, LorraineFlint, Gordon  
Peyron, FredrikKrueger, Richard  
Schotanus, MerleLindblade, Eric  
Stettenheim, Sandy**NAYS 131****BELKNAP**Bartlett, Gordon  
Johnson, JamesBoriso, Thomas  
Lafam, RobertDewhirst, Glenn  
Rosen, RalphHurt, George  
Thomas, John**CARROLL**

Bradley, Jeb

Cooper, Kipp

Kenney, Joseph

Mock, Henry

**CHESHIRE**Avery, Stephen  
Lynch, Margaret  
Russell, RonaldChampagne, Richard  
Manning, Joseph  
Steere, Myron, IIIHunt, John  
McNamara, Wanda  
Wollner, RobertKingsbury, H. Thayer  
Robertson, Timothy**COOS**

Pratt, Leighton

**GRAFTON**

Chase, Paul, Jr.

Trelfa, Richard

Tucker, John

Williams, William, Jr.

**HILLSBOROUGH**Allen, W. Gordon  
Burke, M. Virginia  
Desmarais, Vivian  
Dykstra, Leona  
Gibson, John  
Krochmal, Mark  
MacGillivray, Jeffrey  
Milligan, Robert  
Peters, Stanley  
Sullens, JoanArnold, Thomas, Jr.  
Champagne, Norma  
Desrosiers, William  
Feng, David  
Haettenschwiller, Alphonse  
Laughlin, J. Francis  
MacIntyre, Doris  
Moncrief, Keith  
Riley, Frances  
Taylor, PaulBrundige, Robert  
Clegg, Robert, Jr.  
Dwyer, Paul, Sr.  
Ferguson, Charles  
Holley, Sylvia  
Legacy, Earl  
McCarthy, William  
O'Rourke, Joanne  
Soucy, DonnaBuckley, Raymond  
Cote, David  
Dyer, Merton  
Francoeur, Gary  
Hunter, Bruce  
Letendre, Evelyn  
McCarty, Winston  
Perkins, Paul  
Soucy, Richard**MERRIMACK**Adams, Stephen  
Crowell, Peter  
Langer, Ray  
Rogers, Katherine  
Yeaton, CharlesBrown, Mary  
Daneault, Gabriel  
Owen, Derek  
Shaw, RandallBuessing, Marjorie  
Holmes, Mary  
Patenaude, Amy  
Varsalone, RobertChandler, John  
Jacobson, Alf  
Pitman, Mary Ellen  
Willis, Jack**ROCKINGHAM**Attar, Kevin  
Case, Margaret  
Dunham, Vivian  
Goddard, Warren  
Henderson, Warren  
Lovejoy, Marian  
Nowe, Ronald  
Rubin, George  
Syracusa, AnthonyBeaulieu, Jon  
Crossman, Harold, Jr.  
Flanagan, Natalie  
Gorman, Donald  
Klemm, Arthur, Jr.  
Lupien, James  
Packard, Sherman  
Sabella, Norma  
Welch, DavidBishop, Franklin  
Dodge, Robert  
Flanders, David  
Hawkins, Robert  
Kobel, Rudolph  
McKinney, Betsy  
Putnam, Ed, II  
Splaine, James  
Weyler, KennethCarson, Gregory  
Dowling, Patricia  
Gleason, John  
Haynes, Richard  
Lee, Rebecca  
Moore, Benjamin  
Raynowska, Bernard  
Stone, Joseph  
Yennaco, Carol**STRAFFORD**Brown, George  
McKinley, RobertCallaghan, Frank  
Spear, BarbaraChagnon, Ronald  
Tessimond, ShaneGrassie, Anne  
Williams, Howard

**SULLIVAN**

Adler, Rudolf

Behrens, Thomas

Scott, Robert

Whipple, Allen

and the report was adopted.

Reps. Babson, Boucher, Kurk and Pepino voted yea and intended to vote nay.

Reps. McNamara and Rogers voted nay and intended to vote yea.

Rep. David Holt did not vote and wished to be recorded in favor.

Rep. Christie did not vote and wished to be recorded in opposition.

**(Rep. David Scanlan in the Chair)****SPECIAL ORDER**

Rep. Buckley moved that **SB 1**, relative to terms limits, be made a Special Order at the end of the day's calendar, spoke in favor and yielded to questions.

Rep. Ann Torr spoke in favor.

Rep. Hurst spoke against and yielded to questions.

Adopted.

**REGULAR CALENDAR (Cont'd.)**

**SB 103-FN**, relative to exemptions from the solid waste operating fee. **OUGHT TO PASS**

Rep. Peter Showerman for Environment and Agriculture: This legislation resolves a practical contradiction between the Department of Environmental Services' rules and practices. Vote 9-4.

Adopted and ordered to third reading.

**SB 4-FN**, relative to the time allowed for postsurgical recovery. **RE-REFER TO COMMITTEE**

Rep. Michael Morello for Health, Human Services and Elderly Affairs: Ambulatory surgical services play an important role in the health care system. This bill would allow these facilities to expand their levels of services. Although this legislation has merit, the Certificate of Need law, the laws defining inpatient services and certain procedures are unclear. This bill as written circumvents the CON process. By re-referring this bill, the sub-committee can review this process and clarify the conflicts in RSA 151-C:2 and RSA 151-C:2a. Vote 17-0.

Adopted.

**SB 134-FN**, relative to rent subsidies. **INEXPEDIENT TO LEGISLATE**

Rep. Alphonse A. Haettenschwiller for Health, Human Services and Elderly Affairs: The intention of this bill is laudable. However, a majority of the testimony showed that it would create more problems than it solved. In addition, it would create a significant increase in the workload of the Department of Health and Human Services. Also, landlords already have a number of options available in current law. Vote 16-2.

Adopted.

**SB 66**, relative to planning board procedures on plats. **OUGHT TO PASS**

Rep. Thomas E.P. Rice, Jr. for Municipal and County Government: This bill only expands the information supplied on a plat, for purposes of tracking, by including the names and addresses of the persons whose official seal already appears on it. This bill contains no costs to municipalities either direct, indirect, or implied. Vote 13-4.

Adopted and ordered to third reading.

**SB 172-FN-A**, authorizing a liquor store in the town of Derry and making an appropriation therefor. **OUGHT TO PASS**

Rep. Francis C. Vincent for Regulated Revenues: The establishment of a liquor store in Derry, a community of 35,000 people, is a good business proposition for the State of New Hampshire. The revenue increase will be of particular value to the state at this time, as we all know. Vote 12-0.

Rep. Phyllis Katsakiores yielded to questions.

Adopted and referred to Finance.

**SB 106-FN**, relative to competition among telecommunications providers. **OUGHT TO PASS**

Reps. Jeffrey C. MacGillivray and Jeb E. Bradley for Science, Technology and Energy: This

bill allows increased competition for local telecommunications services. New Hampshire will be better positioned to move forward with the national trend toward additional competition in the telecommunications industry. The Public Utilities Commission will still have to find each proposed change to have public benefit. All affected telecommunications providers supported this bill. Vote 14-0.

Adopted and ordered to third reading.

### **SPECIAL ORDER**

**SB 1**, relative to term limits. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Reps. Stephen J. Adams and James R. Splaine for the Majority of Constitutional and Statutory Revision: This bill limits terms of United States Senators from New Hampshire to 12 years (2 terms) and United States Representatives from New Hampshire to 6 years (3 terms). The Committee agrees there is value to having a limit of term for our Washington representation, encouraging new ideas, renewed debate, and fresh faces in what, at times, has been and could again become an unresponsive legislative system. Term limits by themselves do not solve some problems, but can enhance the chances of a governmental energy boost at times. This does not preclude a write-in candidacy. Vote 16-4.

Reps. Charles W. Chandler, Paula L. Philbrook, Roland E. Hemon, Jack B. Willis for the Minority of Constitutional and Statutory Revision: This bill or any term-limits bill, has the effect of disenfranchising voters. To take away any person's right to vote for a candidate of his or her choice would violate a most fundamental right. The minority also believes that SB 1 is constitutionally flawed and that we should not pass constitutionally questionable legislation. The minority feels there are better ways to cure issues raised by the sponsors.

Reps. DeStefano and Hemon spoke against.

Reps. Stephen Adams and Splaine spoke in favor and yielded to questions.

Rep. Paula Philbrook offered a floor amendment.

### **Floor Amendment (2197L)**

Amend the bill by replacing section 6 with the following:

6 Contingency and Nonseverability. Sections 1-5 of this act shall be suspended until such date as the secretary of state certifies to the governor and to the general court that the United States Supreme Court has issued written rulings in the cases of U.S. Term Limits, Inc. v. Thornton, No. 93-1456 and Bryant v. Hill, No. 93-1828, the appeals from U.S. Term Limits, Inc. v. Hill, 316 Ark. 251, in which cases the United States Supreme Court has heard arguments concerning the Arkansas term limit law, which fixes the same maximum number of terms that United States senators and representatives may serve as are provided for in this act. If, in reaching its decisions in U.S. Term Limits, Inc. v. Thornton and in Bryant v. Hill, the United States Supreme Court finds any provision of the Arkansas term limit law to be unconstitutional, then this act shall be considered a unit and its provisions inseparable, and that the entire act and all of its provisions shall be invalid and of no force and effect, in order to avoid any similar questions of unconstitutional provisions in this act.

### **AMENDED ANALYSIS**

This bill limits the number of terms which a United States senator and a United States representative from New Hampshire may serve, beginning on January 1, 1997. The bill limits Congressional terms of office by prohibiting a person's name from being placed on the state primary or state general election ballot as a candidate if, by the end of the person's term the person will have served either as a member of the United States Senate for 2 consecutive terms or as a member of the United States House of Representatives for 3 consecutive terms. The bill also imposes an overall limit of 17 consecutive years.

The provisions of the bill are suspended until the secretary of state certifies that the United States Supreme Court has issued a written ruling in 2 cases which deal with the constitutionality of an Arkansas term limit law. If the United States Supreme Court finds that any provision of the Arkansas term limit law is unconstitutional, this bill contains a nonseverability clause which declares the entire bill and all of its provisions invalid, in order to avoid any similar questions of unconstitutionality in this bill.

Rep. Paula Philbrook spoke in favor.

Reps. Hurst and Cobbin spoke against and yielded to questions.

Rep. Newland spoke in favor and yielded to questions.

Rep. Arndt requested a roll call; sufficiently seconded. The question being the adoption of the floor amendment.

## YEAS 98 - NAYS 251

### YEAS 98

#### BELKNAP

None

#### CARROLL

Cooper, Kipp

#### CHESHIRE

Champagne, Richard  
Lynch, Margaret  
Richardson, Barbara

DePecol, Benjamin  
McGuirk, Paul  
Robertson, Timothy

Doucette, Richard  
McNamara, Wanda  
Russell, Ronald

Kingsbury, H. Thayer  
Pratt, Irene  
Wollner, Robert

#### COOS

Bradley, Paula  
Mayhew, Josephine

Burns, Harold  
Pratt, Leighton

Coulombe, Henry

Hawkinson, Marie

#### GRAFTON

Bean, Pamela  
Guaraldi, Lawrence

Brown, Channing  
Guest, Robert

Copenhaver, Marion  
Lovett, Sidney

Crory, Elizabeth  
Nordgren, Sharon

#### HILLSBOROUGH

Ahern, Richard  
Cote, David  
Kirby, Thomas  
Martin, Mary  
Reidy, Frank  
Toomey, Kathryn

Alukonis, David  
Dwyer, Paul, Sr.  
Laughlin, J. Francis  
Melcher, Harold  
Sargent, Maxwell  
Wheeler, Craig

Andrews, Frederick  
Haettenschwiller, Alphonse  
Lefebvre, Roland  
Messier, Irene  
Soucy, Donna  
White, John

Asselin, Robert  
Hart, Nick  
Lozeau, Donnalee  
Philbrook, Paula  
Streeter, Janice  
Wright, George

#### MERRIMACK

Coughlin, Anne  
Feuerstein, Martin  
Lockwood, Robert  
Rogers, Katherine

Crosby, Toni  
Holmes, Mary  
Moore, Carol  
Wallner, Mary Jane

DeStefano, Stephen  
Jacobson, Alf  
Newland, Matthew  
Willis, Jack

Dunn, Miriam  
Kennedy, Richard  
Owen, Derek  
Yeaton, Charles

#### ROCKINGHAM

Belanger, Ronald  
Dowd, Sandra  
McGovern, Cynthia  
Scanlon, Edward

Bishop, Franklin  
Flanagan, Natalie  
Pantelakos, Laura  
Syracusa, Anthony

Clark, Martha  
Kane, Cecelia  
Ross, James  
Vaughn, Charles

Clark, Vivian  
Kruse, Fred  
Sabella, Norma

#### STRAFFORD

Chagnon, Ronald  
Musler, George  
Wall, Janet

Grassie, Anne  
Sullivan, Henry  
Wheeler, Katherine

Merrill, Amanda  
Torr, Ann

Merritt, Deborah  
Vincent, Francis

#### SULLIVAN

Behrens, Thomas  
Schotanus, Merle

Cloutier, John  
Stettenheim, Sandy

Lindblade, Eric

Palmer, Lorraine

## NAYS 251

### BELKNAP

Bartlett, Gordon

Boriso, Thomas

Dewhirst, Glenn

Holbrook, Robert

Hurt, George  
Lawton, Robert  
Turner, Robert

Johnson, James  
Rice, Thomas, Jr.  
Wendelboe, Francine

Laflam, Robert  
Rosen, Ralph  
Ziegra, Alice

Lawton, David  
Thomas, John

### CARROLL

Babson, David, Jr.  
Howard, Godfrey  
Patten, Betsey

Beach, Mildred  
Kenney, Joseph  
Philbrick, Donald

Bradley, Jeb  
Lyman, L. Randy

Chandler, Gene  
Mock, Henry

### CHESHIRE

Avery, Stephen  
Hunt, John  
Royce, H. Charles

Cole, Stacey  
Laurent, John  
Smith, Edwin

Delano, Robert  
Manning, Joseph  
Steere, Myron, III

Feuer, Joseph  
Metzger, Katherine

### COOS

Coulombe, Yvonne  
Merrill, Gerald

Davis, Perley  
St. Hilaire, Paul

Horton, Lynn

Mears, Edgar

### GRAFTON

Adams, Carl  
Cobbin, Philip  
LaMott, Paul  
Teschner, Douglass

Below, Clifton  
Connolly, Steven  
Larson, Nils, Jr.  
Trelfa, Richard

Brown, Alson  
Ham, Bonnie  
MacNeil, Allen  
Tucker, John

Chase, Paul, Jr.  
Hill, Richard  
Mirski, Paul  
Williams, William, Jr.

### HILLSBOROUGH

Aksten, Cheryl  
Baroody, Benjamin  
Boutin, David  
Burke, M. Virginia  
Champagne, Norma  
Desrosiers, William  
Durham, Susan  
Fenton, James  
Francoeur, Gary  
Goulet, Maurice  
Holt, David  
Jean, Loren  
L'Heureux, Robert  
Luebker, Bernard  
McCarthy, William  
Mercer, Robert  
Morello, Michael  
Pepino, Leo  
Sallada, Roland  
Sullens, Joan  
Wells, Peter, Sr.

Allen, W. Gordon  
Barry, Janet  
Bridgewater, Charles  
Calawa, Leon, Jr.  
Clegg, Robert, Jr.  
Dodge, Emma  
Dyer, Merton  
Ferguson, Charles  
Gagnon, Eugene  
Hall, Betty  
Holt, Mark  
Johnson, Lionel  
LaRose, Richard  
MacGillivray, Jeffrey  
McCarty, Winston  
Milligan, Robert  
O'Rourke, Joanne  
Perkins, Paul  
Searles, Stanley, Sr.  
Taylor, Paul  
Wheeler, Robert

Amidon, Eleanor  
Belvin, William  
Brundige, Robert  
Cepaitis, Elizabeth  
Daniels, Gary  
Dokmo, Cynthia  
Dykstra, Leona  
Fields, Dennis  
Gibson, John  
Herman, Keith  
Hunter, Bruce  
Krochmal, Mark  
Legacy, Earl  
MacIntyre, Doris  
McMahon, Donald  
Mittelman, David  
Packard, Bonnie  
Peters, Stanley  
Showerman, Peter  
Thulander, O. Alan  
White, Donald

Arnold, Thomas, Jr.  
Bergeron, Normand  
Buckley, Raymond  
Chabot, Robert  
Desmarais, Vivian  
Drabinowicz, A. Theresa  
Emerton, Lawrence, Sr.  
Foster, Linda  
Gotham, Rita  
Holley, Sylvia  
Hussey, Mary  
Kurk, Neal  
Letendre, Evelyn  
Marcinkowski, Michael  
McRae, Karen  
Moncrief, Keith  
Pappas, Marc  
Riley, Frances  
Soucy, Richard  
Turgeon, Roland  
Worthen, Dorothy

### MERRIMACK

Adams, Stephen  
Chandler, Charles  
Daneault, Gabriel  
Nichols, Avis  
Varsalone, Robert

Barberia, Richard  
Chandler, Earle  
Lamach, Bernard  
Patenaude, Amy  
Warner, Richard

Brown, Mary  
Chandler, John  
Langer, Ray  
Pitman, Mary Ellen  
Whalley, Michael

Buessing, Marjorie  
Crowell, Peter  
Morrill, Olive  
Shaw, Randall  
Whittemore, James

### ROCKINGHAM

Abbott, Dennis  
Beaulieu, Jon

Aranda, M. Kathryn  
Boucher, William

Arndt, Janet  
Camm, Kevin

Attar, Kevin  
Carson, Gregory

Case, Margaret  
 Cornell, A. Jefferson  
 Dowling, Patricia  
 Flanders, David  
 Gleason, John  
 Haynes, Richard  
 Katsakiores, George  
 Kobel, Rudolph  
 Lupien, James  
 McKinney, Betsy  
 Noyes, Richard  
 Raynowska, Bernard  
 Simmons, John Anthony  
 Stritch, C. Donald  
 Welch, David

Christie, Andrew, Jr.  
 Cote, Patricia  
 Dube, LeRoy  
 Flanders, John, Sr.  
 Goddard, Warren  
 Henderson, Warren  
 Katsakiores, Phyllis  
 Langley, Jane  
 Magoon, Harold  
 Moore, Benjamin  
 Packard, Sherman  
 Richards, David  
 Smith, Arthur  
 Sytek, John  
 Weyler, Kenneth

Coes, Betsy  
 Crossman, Harold, Jr.  
 Dunham, Vivian  
 Gage, Beverly  
 Gorman, Donald  
 Hurst, Sharleene  
 Kelley, Jane  
 Lee, Rebecca  
 Malcolm, Ken  
 Morris, Debbie  
 Pratt, Katharin  
 Rubin, George  
 Splaine, James  
 Tufts, J. Arthur  
 Yennaco, Carol

Conroy, Janet  
 Dodge, Robert  
 Felch, Charles, Sr.  
 Gargiulo, Louis  
 Hawkins, Robert  
 Johnson, Robert  
 Klemm, Arthur, Jr.  
 Lovejoy, Marian  
 McCarthy, John, Jr.  
 Nowe, Ronald  
 Putnam, Ed, II  
 Senter, Marilyn  
 Stone, Joseph  
 Weare, Everett

### STRAFFORD

Brown, George  
 Hemon, Roland  
 Reynolds, Charles  
 Torr, Franklin

Brown, Julie  
 Knowles, William  
 Snyder, Clair  
 Torr, Ralph

Callaghan, Frank  
 McKinley, Robert  
 Spear, Barbara  
 Wasson, Richard

Dunlap, Patricia  
 Nehring, William  
 Steadman, Frederick  
 Williams, Howard

### SULLIVAN

Adler, Rudolf  
 Scott, Robert

Flint, Gordon  
 Whipple, Allen

Krueger, Richard

Peyron, Fredrik

and the floor amendment failed.

The question now being the adoption of the Majority report.

Reps. Charles Chandler and Hawkins spoke against and yielded to questions.

### (Speaker Burns in the Chair)

Reps. Benjamin Moore, Hurst, MacGillivray and Arndt spoke in favor.

Rep. Jacobson spoke against.

Rep. Hurst requested a roll call; sufficiently seconded.

### YEAS 203 - NAYS 148

#### YEAS 203

#### BELKNAP

Bartlett, Gordon  
 Johnson, James  
 Rosen, Ralph

Boriso, Thomas  
 Laflam, Robert  
 Thomas, John

Dewhurst, Glenn  
 Lawton, David  
 Wendelboe, Francine

Hurt, George  
 Lawton, Robert

#### CARROLL

Babson, David, Jr.  
 Kenney, Joseph

Beach, Mildred  
 Lyman, L. Randy

Bradley, Jeb  
 Mock, Henry

Howard, Godfrey  
 Patten, Betsey

#### CHESHIRE

Avery, Stephen  
 Manning, Joseph

Feuer, Joseph  
 Royce, H. Charles

Hunt, John  
 Steere, Myron, III

Laurent, John

#### COOS

Horton, Lynn

St. Hilaire, Paul

#### GRAFTON

Adams, Carl  
 Chase, Paul, Jr.  
 MacNeil, Allen  
 Williams, William, Jr.

Below, Clifton  
 Cobbin, Philip  
 Scanlan, David

Brown, Alson  
 Connolly, Steven  
 Teschner, Douglass

Brown, Channing  
 LaMott, Paul  
 Trelfa, Richard

**HILLSBOROUGH**

Aksten, Cheryl  
 Arnold, Thomas, Jr.  
 Brundige, Robert  
 Champagne, Norma  
 Desmarais, Vivian  
 Durham, Susan  
 Fields, Dennis  
 Gibson, John  
 Holley, Sylvia  
 Hussey, Mary  
 Kurk, Neal  
 Letendre, Evelyn  
 McCarty, Winston  
 Moncrief, Keith  
 Pappas, Marc  
 Riley, Frances  
 Sullens, Joan  
 Wells, Peter, Sr.

Allen, W. Gordon  
 Bergeron, Normand  
 Buckley, Raymond  
 Clegg, Robert, Jr.  
 Desrosiers, William  
 Dyer, Merton  
 Foster, Linda  
 Gotham, Rita  
 Holt, David  
 Jean, Loren  
 L'Heureux, Robert  
 Luebker, Bernard  
 Mercer, Robert  
 Morello, Michael  
 Pepino, Leo  
 Sallada, Roland  
 Taylor, Paul  
 White, Donald

Alukonis, David  
 Boutin, David  
 Burke, M. Virginia  
 Cote, David  
 Dodge, Emma  
 Dykstra, Leona  
 Francoeur, Gary  
 Goulet, Maurice  
 Holt, Mark  
 Johnson, Lionel  
 Laughlin, J. Francis  
 MacGillivray, Jeffrey  
 Milligan, Robert  
 O'Rourke, Joanne  
 Perkins, Paul  
 Showerman, Peter  
 Thulander, O. Alan  
 Worthen, Dorothy

Amidon, Eleanor  
 Bridgewater, Charles  
 Calawa, Leon, Jr.  
 Daniels, Gary  
 Drabinowicz, A. Theresa  
 Emerton, Lawrence, Sr.  
 Gagnon, Eugene  
 Herman, Keith  
 Hunter, Bruce  
 Krochmal, Mark  
 Legacy, Earl  
 MacIntyre, Doris  
 Mittelman, David  
 Packard, Bonnie  
 Peters, Stanley  
 Soucy, Richard  
 Turgeon, Roland

**MERRIMACK**

Adams, Stephen  
 Chandler, Earle  
 Daneault, Gabriel  
 Pitman, Mary Ellen

Barberia, Richard  
 Chandler, John  
 Lamach, Bernard  
 Shaw, Randall

Brown, Mary  
 Coughlin, Anne  
 Langer, Ray  
 Varsalone, Robert

Buessing, Marjorie  
 Crowell, Peter  
 Patenaude, Amy  
 Warner, Richard

**ROCKINGHAM**

Abbott, Dennis  
 Beaulieu, Jon  
 Christie, Andrew, Jr.  
 Cote, Patricia  
 Dube, LeRoy  
 Flanders, John, Sr.  
 Gorman, Donald  
 Katsakiores, Phyllis  
 Langley, Jane  
 Magoon, Harold  
 Moore, Benjamin  
 Packard, Sherman  
 Rubin, George  
 Splaine, James  
 Weare, Everett

Aranda, M. Kathryn  
 Boucher, William  
 Coes, Betsy  
 Crossman, Harold, Jr.  
 Dunham, Vivian  
 Gargiulo, Louis  
 Henderson, Warren  
 Kelley, Jane  
 Lee, Rebecca  
 Malcolm, Ken  
 Morris, Debbie  
 Putnam, Ed, II  
 Senter, Marilyn  
 Stone, Joseph  
 Welch, David

Arndt, Janet  
 Carson, Gregory  
 Conroy, Janet  
 Dodge, Robert  
 Felch, Charles, Sr.  
 Gleason, John  
 Hurst, Sharleene  
 Klemm, Arthur, Jr.  
 Lovejoy, Marian  
 McCarthy, John, Jr.  
 Nowe, Ronald  
 Raynowska, Bernard  
 Simmons, John Anthony  
 Stritch, C. Donald  
 Weyler, Kenneth

Attar, Kevin  
 Case, Margaret  
 Cornell, A. Jefferson  
 Dowling, Patricia  
 Flanders, David  
 Goddard, Warren  
 Katsakiores, George  
 Kobel, Rudolph  
 Lupien, James  
 McKinney, Betsy  
 Noyes, Richard  
 Ross, James  
 Smith, Arthur  
 Tufts, J. Arthur  
 Yennaco, Carol

**STRAFFORD**

Brown, George  
 Reynolds, Charles  
 Tessimond, Shane

Brown, Julie  
 Spear, Barbara  
 Williams, Howard

Callaghan, Frank  
 Steadman, Frederick

Knowles, William  
 Sullivan, Henry

**SULLIVAN**

Adler, Rudolf  
 Whipple, Allen

Flint, Gordon

Peyron, Fredrik

Scott, Robert

**NAYS 148****BELKNAP**

Holbrook, Robert

Rice, Thomas, Jr.

Turner, Robert

Ziegra, Alice

**CARROLL**

Chandler, Gene

Cooper, Kipp

Philbrick, Donald



**CHESHIRE**

Champagne, Richard  
 Doucette, Richard  
 McNamara, Wanda  
 Riley, William  
 Wollner, Robert

Cole, Stacey  
 Kingsbury, H. Thayer  
 Metzger, Katherine  
 Robertson, Timothy

DePecol, Benjamin  
 Lynch, Margaret  
 Pratt, Irene  
 Russell, Ronald

Delano, Robert  
 McGuirk, Paul  
 Richardson, Barbara  
 Smith, Edwin

**COOS**

Bradley, Paula  
 Hawkinson, Marie  
 Pratt, Leighton

Coulombe, Henry  
 Mayhew, Josephine

Coulombe, Yvonne  
 Mears, Edgar

Davis, Perley  
 Merrill, Gerald

**GRAFTON**

Bean, Pamela  
 Guest, Robert  
 Lovett, Sidney

Copenhaver, Marion  
 Ham, Bonnie  
 Mirski, Paul

Crory, Elizabeth  
 Hill, Richard  
 Nordgren, Sharon

Guaraldi, Lawrence  
 Larson, Nils, Jr.  
 Tucker, John

**HILLSBOROUGH**

Ahern, Richard  
 Barry, Janet  
 Dokmo, Cynthia  
 Haettenschwiller, Alphonse  
 LaRose, Richard  
 Martin, Mary  
 Melcher, Harold  
 Sargent, Maxwell  
 Toomey, Kathryn  
 Wright, George

Andrews, Frederick  
 Belvin, William  
 Dwyer, Paul, Sr.  
 Hall, Betty  
 Lefebvre, Roland  
 McCarthy, William  
 Messier, Irene  
 Searles, Stanley, Sr.  
 Wheeler, Craig

Asselin, Robert  
 Cepaitis, Elizabeth  
 Fenton, James  
 Hart, Nick  
 Lozeau, Donnalee  
 McMahon, Donald  
 Philbrook, Paula  
 Soucy, Donna  
 Wheeler, Robert

Baroody, Benjamin  
 Chabot, Robert  
 Ferguson, Charles  
 Kirby, Thomas  
 Marcinkowski, Michael  
 McRae, Karen  
 Reidy, Frank  
 Streeter, Janice  
 White, John

**MERRIMACK**

Chandler, Charles  
 Feuerstein, Martin  
 Moore, Carol  
 Owen, Derek  
 Whittemore, James

Crosby, Toni  
 Holmes, Mary  
 Morrill, Olive  
 Rogers, Katherine  
 Willis, Jack

DeStefano, Stephen  
 Jacobson, Alf  
 Newland, Matthew  
 Wallner, Mary Jane  
 Yeaton, Charles

Dunn, Miriam  
 Lockwood, Robert  
 Nichols, Avis  
 Whalley, Michael

**ROCKINGHAM**

Belanger, Ronald  
 Clark, Vivian  
 Hawkins, Robert  
 Kruse, Fred  
 Richards, David  
 Sytek, Donna

Bishop, Franklin  
 Dowd, Sandra  
 Haynes, Richard  
 McGovern, Cynthia  
 Sabella, Norma  
 Sytek, John

Camm, Kevin  
 Flanagan, Natalie  
 Johnson, Robert  
 Pantelakos, Laura  
 Scanlon, Edward  
 Vaughn, Charles

Clark, Martha  
 Gage, Beverly  
 Kane, Cecelia  
 Pratt, Katharin  
 Syracuse, Anthony

**STRAFFORD**

Chagnon, Ronald  
 McKinley, Robert  
 Nehring, William  
 Torr, Ralph  
 Wheeler, Katherine

Dunlap, Patricia  
 Merrill, Amanda  
 Snyder, Clair  
 Vincent, Francis

Grassie, Anne  
 Merritt, Deborah  
 Torr, Ann  
 Wall, Janet

Hemon, Roland  
 Musler, George  
 Torr, Franklin  
 Wasson, Richard

**SULLIVAN**

Behrens, Thomas  
 Palmer, Lorraine

Cloutier, John  
 Schotanus, Merle

Krueger, Richard  
 Stettenheim, Sandy

Lindblade, Eric

and the report was adopted.

Ordered to third reading.

## RECONSIDERATION

Having voted with the prevailing side, Rep. Hurst moved that the House reconsider its action whereby it passed **SB 1**, relative to term limits, and spoke against.

Reconsideration lost.

## RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, May 2, 1995 at 1:00 p.m.

Adopted.

## LATE SESSION

### Third reading and final passage

**SB 5**, relative to information to be filed with the insurance department.

**SB 17**, establishing a committee to continue the study of exclusivity contracts between health care insurers and health care providers and the feasibility of creating health care provider cooperative agreements.

**SB 29**, relative to insurers' disclosure of material transactions.

**SB 30**, relative to life, accident and health insurance.

**SB 32**, relative to risk-based capital for insurers.

**SB 33**, regarding standard valuation of insurance policies.

**SB 80**, reinstating the charters of Dundee Mountain Development Corp. and Cable Connector Corporation of America.

**SB 129**, relative to packages and packaging components under the toxic reduction laws.

**SB 12**, relative to the committee studying long-term care for the elderly.

**SB 25**, relative to case management by the state in lead paint poisoning cases.

**SB 27**, relative to lead poisoning prevention and control.

**SB 60**, relative to ambulatory care clinics' quality assurance programs.

**SB 14-L**, concerning inclement weather liability on municipal property other than highways.

**SB 15**, extending the committee to review the current procedures of the central registry in the department of health and human services.

**SB 37**, exempting certain organizations' recreation programs from state child day care licensing requirements.

**SB 44**, relative to acknowledgments by a notary public.

**SB 121-FN-A**, establishing a pilot program to recover all fees and costs paid by the state for guardian ad litem services in divorce actions and making an appropriation therefor.

**SB 58**, relative to the possession of validated detached deer tags.

**SB 19**, regulating persons who sell agricultural, industrial, forest and related equipment.

**SB 103-FN**, relative to exemptions from the solid waste operating fee.

**SB 66**, relative to planning board procedures on plats.

**SB 106-FN**, relative to competition among telecommunications providers.

**SB 1**, relative to terms limits.

## ACKNOWLEDGEMENT

The Clerk read the following:

On May 10th 1944, what started out to be a normal day ended in disaster for a young aviator flying his 14th mission in a B-24 bomber. His bomber was shot down and he became a prisoner of war interned at Stalag 7 in Southern Germany.

Fifty years ago tomorrow became a day always to be remembered by that young flier. For it was on that day, the 26th of April 1945, that he and other allied prisoners were liberated by armored units of the Third Army. He remained in the military after the war and went on to retire as a Colonel in the United States Air Force.

And so, from your friends, the State of New Hampshire and a grateful nation, we say again welcome home and thank you Rep. Charlie Vaughn.

Rep. Vaughn addressed the House.

## UNANIMOUS CONSENT

Rep. John Chandler addressed the House.

Rep. Amanda Merrill moved that the remarks of Rep. John Chandler be printed in the Journal.  
Adopted.

Rep. John Chandler: Thank you Mr. Speaker. Jane Kenyon was born in Ann Arbor, Michigan on May 23, 1947. She described herself as a melancholy child. She went on to the University of Michigan where she found poetry and she found her mentor, Donald Hall.

They were married in 1972 and he retired from teaching and they moved to Wilmot in 1977 to the edges of Eagle Pond. There she found solitude and beauty. She found community, church and hospice work. She loved her pets and she loved her flower gardens. She also found the medium to express her manic depression.

In 1989, her husband was diagnosed with cancer and those inner feelings that she had before became very personal.

In 1993, Donald Hall and Jane Kenyon opened themselves to their neighbors at the Wilmot Town Hall for the readings of their poetry and for answering questions about their personal thoughts and emotions. The title was, "Having it out with Melancholy."

By Thanksgiving of 1993, Bill Moyers, in his Journal, had picked up on the Wilmot Town Hall event on PBS. He called it "A Life Together." I think perhaps it was at this time that Jane Kenyon really emerged from the shadow of her mentor. Her struggle with Donald's cancer and its almost certain life-shortening expectancy was evident at that time.

Then, tragically in January of 1994, Jane was diagnosed with leukemia, among other serious illnesses. In November of 1994, Donald Hall and Jane Kenyon flew to Seattle for a bone marrow transplant. They remained there for the 100 days that was thought to be the time necessary to insure that the bone marrow transplant was working. The time passed and she was able to come home in early April.

On April 11, 1995, the pain and the symptoms returned. Jane Kenyon missed church and she cancelled the traditional Easter breakfast that she liked to serve her church friends. On April 22 of this year, she died at her home.

She is known for her collected works, now in four volumes, *From Room to Room*, *The Boat of Quiet Hours*, *Let Evening Come* and *Constance*. I believe there is another book of her works that we will see published shortly.

She wrote for *The New Yorker*, the *Atlantic Monthly*, *Poetry* and other magazines. She received many, many awards including the Granite State Award from Plymouth State College in 1989. She was serving as the Poet Laureate of the State of New Hampshire, as her husband had just a few years before.

Donald Hall is quoted as saying that he knew her poems by the last line rather than the title because her last lines, and to quote him "culminate to a swelling. It's not like the crescendo of a symphony, but more like a single flute note that just rends your heart." I think it is fitting to end this memorial by reading three lines from "Let Evening Come." In Jane's own words: "Let it come, as it will, and don't be afraid. God does not leave us comfortless, so let evening come."

Thank you Mr. Speaker.

Reps. Lozeau and Katherine Wheeler addressed the House.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 3:50 p.m.

## RECESS

Rep. Bean moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 19

Tuesday, May 2, 1995

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Deputy Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of healing energy, hear our prayers for all those in Oklahoma City who seek to rebuild their lives in the wake of recent violence there. Empower the citizens of that city to face the future with courage. And we pray also for all those in our midst who have recently lost loved ones or who struggle with illness of any kind. Lavish upon them and all of us the gifts of patience, humor and hope so that those whose hearts are broken may nevertheless not lose heart, so that we can be for each other an experience of support and friendship. Amen.

Rep. Fields led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Chagnon, Peter Cote, Drabinowicz, Dolan, Robert Foster, Healy, Golden, Burnham, Nordgren, Katherine Wheeler, Shaw, Willis, Lee and Splaine, the day, illness.

Reps. Perkins, Crossman, McCann, Weeks, Robert Kelley, Copenhaver, Case, Thomas Cain, Morello, David Flanders, Below, Peters, LaRose, Frances Riley, Andrews, Langer, Edwin Smith, Stone, William Williams, Wells, Gargiulo, Lynch and Paula Philbrook, the day, important business.

Reps. Cecelia Kane and Felch, the day, death in the family.

Rep. Charles Cote, the day, illness in the family.

### INTRODUCTION OF GUESTS

Chris Walters, guest of Rep. MacIntyre. Harriet Cady and Donald Sisson, guests of Rep. Nowe. Former Reps. Meader and Dingle, guests of the House. Danira Nauruzova, guest of Rep. Arnold.

### SENATE MESSAGES

#### CONCURRENCE

**HB 131-FN**, allowing the state to recover from counties funds which are paid to owners after escheatment.

**HB 154-FN**, relative to temporary registrations, approval of certain vehicle equipment and driver license application searches and establishing a fee.

**HB 161**, authorizing the executive director of fish and game to issue complimentary fishing permits to certain persons.

**HB 227-L**, requiring the division of municipal services, department of revenue administration, to establish a standard technical assistance manual for municipalities on finance and budget matters, which may be purchased from the division.

**HB 350**, establishing a recycling market development steering committee.

**HB 393-L**, relative to the approval by the division of water supply and pollution control of plans for sewage disposal systems.

**HB 463**, relative to the DWI levels for persons under the age of 21.

**HB 505-FN**, relative to the boiler and unfired pressure vessel inspection law.

**HB 511-FN**, clarifying the department of labor's authority over third party administrators for workers' compensation.

**HB 576-FN**, relative to genetic testing.

**HB 613-FN**, relative to protection and control of certain highways.

**HB 645**, prohibiting contracts between certain types of insurers and physicians from containing clauses limiting the liability of such insurers for actions of the physician for which the insurers might otherwise have liability.

### CONCURRENCE WITH AMENDMENT

**SB 23**, limiting the liability of municipalities operating facilities for skateboarding, rollerblading or rollerskiing.

### NONCONCURRENCE

**HB 235**, to establish new state representative districts for the city of Laconia.

**HB 237**, relative to sentencing for habitual offenders.

**HB 282**, implementing recommendations of the Centers for Disease Control and Prevention relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes.

**HB 428**, relative to boat docking facilities.

**HB 454**, relative to the membership of the state board of auctioneers.

**HB 472-FN**, requiring the division of public health services to establish a needle exchange pilot program.

**HB 359**, relative to the form of the primary and general election ballots.

**HB 587-FN**, permitting department heads to authorize travel expenses.

**HB 624-FN-A-L**, establishing a 2-year pilot program for local land use board training.

### ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

**HB 3-FN-A**, making supplemental appropriations for the fiscal year ending June 30, 1995, and relative to state revenues, payments, and fees.

The President appointed Sens. Currier, Keough and Blaisdell.

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 114-FN**, establishing a brew pub liquor license and fees for the license. (Amendment printed SJ 14, 4/20/95)

Rep. McKinney moved that the House concur.

Adopted.

**HB 144**, allowing certain liquor licensees to conduct liquor tasting on licensed premises. (Amendment printed SJ 14, 4/20/95)

Rep. McKinney moved that the House concur.

Adopted.

**HB 171**, relative to an extended term of imprisonment for possession of a radio device while committing certain crimes. (Amendment printed SJ 14, 4/20/95)

Rep. Donna Sytek moved that the House concur.

Adopted.

**HB 221**, relative to administrative fines for violations of RSA 313-A, relative to barbering, cosmetology, and esthetics. (Amendment printed SJ 14, 4/20/95)

Rep. Mercer moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Goulet, Robert Dodge, Emerton and Dunn.

**HB 232**, changing the date of final written notification for teachers who are not being renominated or elected from March 31 to April 30. (Amendment printed SJ 13, 4/13/95)

Rep. Larson moved that the House concur.

Adopted.

**HB 270**, relative to bail agents and recovery agents. . (Amendment printed SJ 14, 4/20/95)

Rep. Welch moved that the House concur.

Adopted.

**HB 307**, establishing a study committee to consider a constitutional amendment allowing the adoption of a yield tax on sand, gravel, and similar materials; and suspending a provision on taxation of sand, gravel and similar substances for fiscal year 1996. (Amendment printed SJ 14, 4/20/95)

Rep. Channing Brown moved that the House concur.

Adopted.

**HB 312**, eliminating the advisory council on literacy and dropout prevention and establishing a committee to study literacy issues, and funding state literacy programs. (Amendment printed SJ 13, 4/13/95)

Rep. Larson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Spear, Buessing, Franks and Snyder.

**HB 316-FN**, relative to probation and parole officers. (Amendment printed SJ 14, 4/20/95)

Rep. Donna Sytek moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Lozeau, Knowles, Lyman and Vivian Clark.

**HB 334**, relative to the powers and duties of a municipality relating to trust funds and school district taxes, relative to qualification of beneficial interest trust owners for certain tax exemptions, and relative to public meetings of the current use board. (Amendment printed SJ 13, 4/13/95)

Rep. Behrens moved that the House concur.

Adopted.

**HB 425**, relative to hawkers and peddlers. (Amendment printed SJ 14, 4/20/95)

Rep. Bonnie Packard moved that the House concur.

Adopted.

**HB 470**, relative to the state board's rulemaking authority and local district policy regarding situations involving manifest educational hardship. (Amendment printed SJ 13, 4/13/95)

Rep. Larson moved that the House concur.

Adopted.

**HB 529**, transferring certain property from the state to the town of Hampton Falls, New Hampshire. (Amendment printed SJ 15, 4/25/95)

Rep. Gene Chandler moved that the House concur.

Adopted.

**HB 556**, regulating rate modifications for accident and health insurance policies. (Amendment printed SJ 15, 4/25/95)

Rep. Bonnie Packard moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Gage, Dowd, Hill and Crosby.

**HB 596-FN-L**, relative to the use of compensatory time for municipal employees. (Amendment printed SJ 16, 4/27/95)

Rep. Hawkins moved that the House concur.

Adopted.

**HB 607**, relative to the motor vehicle inspection and maintenance program. (Amendment printed SJ 14, 4/20/95)

Rep. Jeb Bradley moved that the House concur.

Adopted.

### ENROLLED BILLS AMENDMENTS

**HB 300**, relative to drinking water violations.

#### Amendment (2368L)

Amend section 3 of the bill by replacing lines 2-3 with the following:

485:59 Appeals. Actions of the division under RSA 485:1-[3] 4; 8, II; 31; 41-44; [or] 46-48, or 58, I may be appealed under RSA 21-O:14.

Adopted.

**HB 313-FN**, relative to a defendant's repayment of counsel expenses that have been paid by the state.

#### Amendment (2365L)

Amend section 1 of the bill by replacing line 14 with the following:

ability to be determined by the unit of cost containment. The [office of cost containment] *state* may

Amend section 1 of the bill by replacing line 21 with the following:  
shall [be ordered by the court to] repay the state, through the department of corrections, all fees and

Adopted.

**(Speaker Burns in the Chair)**

### **ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 108, 126, 141, 142, 194, 204, 214, 215, 410, 416, 421, 424, 427, 429, 430, 432, 463, 467, 478, 531, 563, 572, 579, 631 and HJR 4 and Senate Bills numbered 44, 76, 78, 112 and 129.

Rep. Tufts, Sen. Currier for the Committee

### **SUSPENSION OF RULES**

Reps. Ann Torr and Trombly moved that we suspend House Rule 65, the reporting deadline for all Senate non-money bills.

Adopted by the necessary two-thirds.

### **SUSPENSION OF RULES**

Rep. David Scanlan moved that the rules be so far suspended as to permit hearings without the proper notice on bills referred to the Finance Committee.

Adopted by the necessary two-thirds.

### **COMMITTEE REPORTS**

#### **CONSENT CALENDAR**

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**SB 163**, relative to purchase of prior service credit in the New Hampshire retirement system by employees of political subdivisions, was removed at the request of Rep. Wasson.

**SB 11**, relative to the application of local land use regulations to governmental units, was removed at the request of Rep. Behrens.

Consent Calendar adopted.

**SB 137-FN**, creating an interstate insurance receivership compact. **OUGHT TO PASS**

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: This bill is the result of much study and public hearings by the National Conference of Insurance Legislators. There are over 100 various compacts in the United States presently. This compact is not a part of the N.A.I.C. accreditation process. Vote 17-0.

**SB 53**, establishing a committee to study issues relative to real estate appraisers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sylvia A. Holley for Executive Departments and Administration: ED&A recommends this study for the following reasons: There are individuals working as appraisers who are not licensed or certified, recent changes in federal and state statutes affecting appraisers, the impact of "computerization" on property appraisal techniques, mass property evaluations by out of state appraisal teams and a problem with the definition of "appraiser" and "assessor". These issues could not be resolved in the time the committee had available. Vote 14-0.

### **Amendment (1972L)**

Amend the bill by replacing sections 1, 2 and 3 with the following:

1 Committee Established.

I. There is established a committee to study issues relative to real estate appraisers. The committee shall consist of the following members:

(a) Three house members, who shall not be real estate appraisers, licensed real estate brokers or salespersons, or bankers, appointed by the speaker of the house. Two members shall be from the executive departments and administration committee and one member shall be from the commerce, small business, consumer affairs and economic development committee.

(b) Three senators, who shall not be real estate appraisers, licensed real estate brokers or salespersons, or bankers, appointed by the senate president.

II. The committee may request input from the following:

- (a) A representative of the N.H. Appraisal Institute.
- (b) A representative of the American Association of Certified Appraisers.
- (c) A person who is either a member of the N.H. Bankers Association or the N.H. Mortgage Bankers Association who is not an appraiser.
- (d) A representative of the N.H. Association of Realtors.
- (e) A member of the N.H. Appraisal Board.
- (f) Two public members who are not real estate appraisers.
- (g) A member of the New Hampshire Municipal Association.
- (h) Any member of the general public.
- (i) A member of the New Hampshire Assessors Association.

2 Duties. The committee shall include in its study the following:

I. The method of approving, certifying or licensing real estate appraisers and anyone placing a value on real estate.

II. A review of terms and definitions describing real estate appraisers and real estate property professionals.

III. Determining whether the real estate appraiser industry is sufficiently regulated to protect the public.

IV. Review current laws, regulations and rules relative to appraisers to ensure compliance with applicable federal law.

3 Appointments; Meetings; Mileage. Appointments of members under section 1 of this act shall be made within 30 days of the effective date of this act. The first-named senate member shall act as temporary chairperson and shall call the first meeting of the committee within 60 days of the effective date of this act. The members shall elect a chairperson from among the membership at the first meeting. Legislative members shall receive mileage at the legislative rate for attending to duties of the committee.

**SB 82, relative to appointments to state boards and commissions. OUGHT TO PASS WITH AMENDMENT**

Rep. John J. Sytek for Executive Departments and Administration: This bill takes one small step towards better government by imposing term limits on appointed members of boards. Members would be restricted from serving more than ten consecutive years (or such longer terms as the completing of a full term may require). The committee felt that term limits were appropriate for these officials because, unlike elected officials, they are beyond the reach of the electorate. Also, a ten year limit provides adequate institutional memory and is consistent with current policy - most recently established boards have been imposing this limitation. The committee also recognized that progress should be made carefully in this area: under the provisions of the bill incumbents are exempted and future members may be reappointed if they sit out one term. Vote 11-1.

#### **Amendment (2208L)**

Amend RSA 4-D:2 as inserted by section 1 of the bill by replacing it with the following:

**4-D:2 Appointment of Members.**

I. Except as provided in paragraphs II and III, and notwithstanding any other provisions of law to the contrary, no member of any state regulatory board, advisory board, state commission, or state board of trustees shall serve for more than 10 consecutive years on the board, commission, or board of trustees, without an intervening number of years equal to the member's term, during which the member shall not serve on the same board, commission, or board of trustees.

II. Notwithstanding the provisions of paragraph I, a member of any state regulatory board, advisory board, state commission, or state board of trustees whose term as a member of the board or commission will expire prior to the completion of 10 consecutive years on the board or commission, may be reappointed to serve as a member of the board or commission for one additional term which will result in the member having served for more than 10 consecutive years on the board or commission at the completion of the additional term.

III. The provisions of this chapter shall not apply to the members of any state regulatory board, advisory board, state commission, or state board of trustees who are full-time employees



and who receive an annual salary prescribed by RSA 94:1-a.

### AMENDED ANALYSIS

Beginning on January 1, 1996, this bill provides that no member of a state regulatory board, advisory board, state commission, or state board of trustees shall serve for more than 10 consecutive years on the board, commission, or board of trustees, without an intervening number of years equal to the member's term, during which the member shall not serve on the same board, commission, or board of trustees.

The bill does permit a member of a state board or commission whose term will expire prior to the completion of 10 consecutive years on the board or commission to be reappointed for one additional term, even though the reappointment will result in the member serving for more than 10 consecutive years.

The provisions of the act do not apply to members of boards, commissions, and boards of trustees who are full-time employees and who receive an annual salary prescribed by RSA 94:1-a.

**SB 90**, relative to uniform adjudicative hearing procedures for state agencies. **RE-REFER TO COMMITTEE**

Rep. Lawrence A. Emerton, Sr. for Executive Departments and Administration: This bill would make changes in the Administrative Procedures Act (RSA 541-A) which is administered by the Joint Legislative Committee on Administrative Rules. The committee felt it did not have enough time to properly address this important bill. It was felt that some improvements toward simplifying the rules process could be found. Vote 11-1.

**SB 150-FN-L**, relative to the definition of earnable compensation for retirement system. **UGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill is at the request of the New Hampshire Retirement System to bring the system in line with the federal ERISA requirements for public retirement systems. The amendment puts a sunset time on section three of the bill relating to job-sharing of teaching positions and retirement credit, so the legislature can revisit this section after further legal research and possible request to the internal revenue for a review of a proposed amendment to the statute. Vote 11-0.

### Amendment (2344L)

Amend RSA 100-A:4, III-b as inserted by section 2 of the bill by replacing it with the following:

III-b. Notwithstanding any provision of paragraph III to the contrary, any teacher in service on or after July 1, 1994, who equally shares a job-sharing full-time position with another teacher shall be eligible for membership in the retirement system. Any such teacher shall accrue full creditable service for the entire period of job-sharing and shall be credited with earnable compensation at the compensation actually paid to such teacher. Creditable service and earnable compensation for any currently active or retired teacher who shared a job-sharing teaching position with another teacher during any period prior to July 1, 1994, shall not be recalculated to conform with the provisions of this paragraph but shall remain in effect as each was originally granted.

Amend the bill by replacing section 3 with the following:

3 Creditable Service for Teachers. RSA 100-A:4, III-b is repealed and reenacted to read as follows:

III-b. Notwithstanding any provision of paragraph III to the contrary, any teacher in service during or after the 1990-91 school year who shares a job-sharing position with another teacher shall be eligible for membership in the retirement system and shall receive credit for 1/2 of the period of job-sharing service at the full rate of pay for the teaching position. In the case of any currently active or retired teacher who shared a job-sharing teaching position with another teacher during any period before July 1, 1990, and who was inappropriately enrolled for retirement purposes and who has received service credit for the full period of such job-sharing service, creditable service rendered through June 30, 1990, shall not be recalculated to conform with the provisions of this paragraph but shall remain in effect as it was granted.

4 Effective Date.

I. Section 3 of this act shall take effect July 1, 1997, at 12:01 a.m.

II. The remainder of this act shall take effect July 1, 1995.

Referred to Finance.

**SB 161-FN**, relative to cost of living adjustments for retired firefighters. **INEXPEDIENT TO LEGISLATE**

Rep. Lawrence A. Emerton, Sr. for Executive Departments and Administration: This bill would have provided a supplemental allowance to firefighters only 12 months after retirement. There is a process in place for granting supplemental allowances to all retirees if the trustees certify that the funds are available in the special account and the fiscal committee approves. This process was approved in 1993 to begin in 1994 and the firemen received a retroactive 2 1/2 percent COLA and are due a 1 percent COLA in July. This uses about all of the funds they have available for supplemental allowances. Vote 12-0.

**SB 158-FN**, requiring a waiting period for applicants for public assistance who terminate their employment voluntarily without a good cause. **OUGHT TO PASS WITH AMENDMENT**

Rep. Francine Wendelboe for Health, Human Services and Elderly Affairs: This bill requires a person applying for public assistance to wait 90 days if that person terminated employment voluntarily without good cause. It further clarifies eligibility requirements for public assistance. This would not apply to an applicant with minor or dependent children, the disabled, part-time employment less than 20 hours per week, seasonal jobs, applicants terminating with good cause, and anyone that had not been on town welfare in the last year. Vote 19-0.

**Amendment (2296L)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Eligibility for Assistance. Amend RSA 165 by inserting after section 1-c the following new section:

165:1-d Disqualification for Voluntary Termination of Employment.

I. Any person eligible for assistance under this chapter, who voluntarily terminated employment within the 60-day period before filing an application for assistance, shall be ineligible to receive assistance for 90 days from the date of employment termination, provided the following conditions are met:

(a) The person received general assistance within the last 365 days and was given notice that voluntary termination of employment without good cause could lead to disqualification from receiving general assistance in the future.

(b) There are no minor or dependent children in the person's household which the person is legally responsible for supporting.

(c) At the time of termination of employment, the person did not have a mental or physical impairment which caused such person to be unable to work.

(d) The employment that the person voluntarily terminated consisted of at least 20 hours of work per week, and the person has not become re-employed for at least 2 weeks at a level consisting of at least 20 hours of work per week.

(e) The person did not have good cause for terminating the employment, as defined in paragraph II.

II. Good cause for terminating employment shall include any of the following:

(a) Discrimination by an employer based on age, race, sex, physical or mental disability, religion, or national origin.

(b) Work demands or conditions that render continued employment unreasonable.

(c) Retirement by a person 62 years of age or over or resignation by a person under 62 years of age which is recognized by the employer as retirement.

(d) Employment which becomes unsuitable following the applicant's acceptance of such employment.

(e) Leaving a job in order to accept a bonafide job offer which, because of circumstances beyond the control of the applicant, subsequently either does not materialize or results in employment of fewer than 20 hours per week or weekly earnings of less than the state or federal hourly minimum wage multiplied by 20 hours.

(f) Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another, such as migrant farm labor or construction work, even though employment at the new site has not actually begun.

(g) Leaving a job because of circumstances, such as lack of transportation or a house-

hold emergency, which are beyond the control of the applicant to remedy as determined by the overseer of public welfare and which make continued employment impracticable.

(h) Termination of employment for other good cause.

III. The applicant shall be responsible for demonstrating good cause. The welfare officer may offer assistance in obtaining necessary information.

IV. An applicant shall be considered to have voluntarily terminated employment if the applicant fails to report for work without good cause, as defined in paragraph II, resulting in the termination of the applicant's employment. An applicant who is fired or resigns from a job at the request of the employer due to the applicant's inability to maintain the employer's normal work productivity standard shall not be considered to have voluntarily terminated employment.

V. No person shall be found ineligible for assistance due to a voluntary employment termination unless the applicant has been given a written application for assistance and a written notice stating the reason for the denial of assistance and the specific actions which must be taken in order to reinstate eligibility, along with a written notice of the opportunity to request a hearing within 5 days.

VI. Notwithstanding a voluntary termination without good cause, assistance under this chapter may be given if the welfare officer determines that denial of assistance will put that person or members of the person's household at substantial risk of injury to health or other serious harm, which cannot be avoided or mitigated by other public or private resources.

VII. The provisions of RSA 165:1-b, II-VI shall not apply to persons found ineligible for assistance because of voluntary termination of employment without good cause. However, if at any time during the disqualification period, there is a dispute whether a person has satisfactorily complied with the requirements set forth in the written notice provided for by paragraph V, the person shall be given an opportunity to request a hearing to determine that issue only.

2 Effective Date. This act shall take effect 60 days after its passage.

**SB 21**, relative to extending involuntary admissions and guardianships. **OUGHT TO PASS WITH AMENDMENT**

Rep. David W. Hess for Judiciary and Family Law: This bill temporarily extends involuntary admissions and guardianships for not more than thirty days if, during the initial admission or guardianship, another petition is filed with the probate court requesting a judicial hearing on the issue of a subsequent involuntary admission or guardianship. The bill requires the probate court to act on such a petition within those 30 days. Vote 13-0.

#### **Amendment (2277L)**

Amend RSA 135-C:39, II as inserted by section 1 of the bill by replacing it with the following:

***II. A period of involuntary admission ordered by a probate court pursuant to RSA 135-C:45 may be continued under subparagraph I (c) provided that a petition requesting a judicial hearing on the issue of subsequent involuntary admission has been filed with the appropriate probate court within the initial period of involuntary admission. Upon the filing of the petition, the period of involuntary admission may be extended until the issuance of the order of the probate court pursuant to RSA 135-C:45; provided that the probate court shall act upon the petition within 30 days of its filing.***

Amend RSA 464-A:11-a as inserted by section 2 of the bill by replacing it with the following:

**464-A:11-a Extension of Guardianship.** A guardian or petitioner may seek an extension of a guardianship appointment by formally petitioning the court for a guardianship of the person and estate, the person, or estate within the period of any existing guardianship. Upon the filing of a petition for guardianship, a petition for an additional term of guardianship, a petition for an indefinite term of guardianship, or a petition for an amendment of the order or letters of guardianship to extend the term of the guardianship, the period of guardianship shall be extended until the issuance of the order of the probate court; provided that the probate court shall act upon the petition within 30 days of its filing.

**SB 46**, requiring certain entities which receive state funding to make their board meeting minutes regarding the spending of those funds open to the public. **INEXPEDIENT TO LEGISLATE**

Rep. Sandra B. Keans for Judiciary and Family Law: The committee believes legitimate information that is needed can be received by the agency granting the funds. Further, these agencies must provide audits each year. In the case of non-profits, they are under the auspices of the attorney general's office. The minutes of most meetings are available for public inspection already except for those dealing with personnel and confidentiality. Vote 12-2.

**SB 130**, relative to the Uniform Trustees' Powers Act. RE-REFER TO COMMITTEE

Rep. Nick Hart for Judiciary and Family Law: Because the committee heard such conflicting testimony and the interested parties could not possibly work out an agreement before the House deadline, the committee voted unanimously to re-refer this bill. Vote 14-0.

**SB 146-FN-A**, relative to court procedures and clarifying that certain payments to guardians ad litem shall be made by the state and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Margaret D. Hallyburton for Judiciary and Family Law: The bill extends the period allowed for holding a hearing on the settlement of a guardianship account. The amendment makes this time period closed-ended. Also, for certain non-time-critical mailings, the bill allows the use of less expensive first-class mail rather than registered mail. The bill also raises from \$2,500 to \$10,000 the gross value of a ward's estate which requires a bond. These are all changes which the committee supports. The amendment also changes the effective date. Vote 13-1.

**Amendment (2283L)**

Amend the bill by replacing section 6 with the following:

6 Guardians; General Powers and Duties of Guardians of the Estate. Amend RSA 464-A:26, V to read as follows:

V. A guardian of the estate shall be required to file an annual account with the probate court pursuant to this chapter, [except as provided in paragraph VI] *unless the court finds that it is not appropriate. The court may limit the powers of the guardian of the estate or impose additional duties if it deems such action desirable in the best interests of the ward. With respect to guardians of the estate appointed pursuant to RSA 464-A:42, the court may limit the duties of the guardian of the estate if it deems such actions appropriate in the best interests of the child.*

Amend RSA 464-A:36-a, III as inserted by section 10 of the bill by replacing it with the following:

III. The court shall hold a hearing on the settlement of the account within [30] *56 calendar* days of the [guardian's] *court's* notice of [settlement] *hearing*.

Amend the bill by replacing section 27 with the following:

27 Effective Date. This act shall take effect 60 days after its passage.

**SB 154-FN-L**, relative to the appointment, powers and duties of medical examiners and to the authority of the chief medical examiner. OUGHT TO PASS WITH AMENDMENT

Rep. Nick Hart for Judiciary and Family Law: Representatives of the Medical Examiner's office, Attorney General's Office, the representatives of the ten counties all endorsed this bill as amended. The amended bill gives the counties a fee schedule that has to be approved by the county delegation. Vote 15-0.

**Amendment (2309L)**

Amend RSA 611:2, I as inserted by section 1 of the bill by replacing it with the following:

I. The chief medical examiner shall appoint licensed physicians to be deputy medical examiners. A deputy medical examiner shall serve the state without geographical restriction. Deputy medical examiners shall meet training and certification requirements established by rules adopted by the chief medical examiner under RSA 541-A. Deputy medical examiners shall possess all the powers granted to medical examiners under this chapter and shall be sworn in the same manner. Deputy medical examiners shall serve at the pleasure of the chief medical examiner.

Amend RSA 611:2, III as inserted by section 1 of the bill by replacing it with the following:

III. If no medical examiner, deputy medical examiner, or assistant deputy medical examiner is available to perform the duties of the medical examiner under this chapter, the chief medical examiner, deputy chief medical examiner, or designee may deputize a temporary assistant deputy medical examiner to perform the duties of medical examiner until a medical exam-

iner, deputy medical examiner, or assistant deputy medical examiner is available to assume those duties.

Amend RSA 611:3, II as inserted by section 1 of the bill by inserting after subparagraph (r) the following new subparagraph and renumbering subparagraphs (s)-(x) to read as (t)-(y):

(s) Fetal deaths which result from intrauterine trauma when the fetus has attained 20 weeks gestation or 350 grams weight.

Amend RSA 611:5, I as inserted by section 1 of the bill by replacing it with the following:

I. Whenever the medical examiner has notice that there has been found or is lying within his jurisdiction the body of a person whose death is supposed to have been caused in a manner described in RSA 611:3, the medical examiner shall take charge of the body and may go to the place where such body lies, may transport the remains, or give permission for moving the body to an appropriate place for viewing.

Amend RSA 611:18 as inserted by section 1 of the bill by replacing it with the following:

611:18 Fee Schedule. The chief medical examiner shall adopt rules, pursuant to RSA 541-A, establishing a fee schedule for fees and expenses which may be claimed by medical examiners, and such fee schedule shall be subject to ratification by the county delegation.

Amend RSA 611-A:1, I as inserted by section 2 of the bill by replacing it with the following:

I. There is hereby established within the department of justice the office of chief medical examiner. The office shall be under the immediate supervision of a person who shall be known as the "chief medical examiner" and who shall be a duly licensed physician and certified by the American Board of Pathology to possess special competence in forensic pathology and who has had experience in forensic medicine. [He] *The chief medical examiner* shall be nominated by the attorney general and appointed by the governor and council and shall serve for a term of 5 years and until [his] *a* successor is appointed and has qualified, unless sooner removed by the governor and council for cause in accordance with the provisions of RSA 4:1. [He] *The chief medical examiner* or [his] designee shall be continually available for emergency consultation as necessary for carrying out the functions of this office. The chief medical examiner shall be subject to direction and control by the attorney general in all matters relating to the enforcement of the criminal law. [He]

Amend the bill by replacing section 11 with the following:

11 Indemnification of Medical Examiner. Amend RSA 611-A:12 to read as follows:

611-A:12 Indemnification of Medical Examiner. The provisions of RSA 99-D shall apply to the chief medical examiner and any other medical examiner *or investigator* employed in the office of the chief medical examiner for claims arising from the scope of their official duties, including, but not limited to, the practice of forensic pathology and the practice of clinical forensic medicine.

12 Effective Date. This act shall take effect January 1, 1996.

**SB 67**, relative to the recording of plats and relative to the power to review site plans. **OUGHT TO PASS WITH AMENDMENT**

Rep. Linda T. Foster for Municipal and County Government: The committee believes that the provisions of SB 67 will clarify and simplify the actions of a Planning Board regarding thresholds of development which do not require site plan review. The bill also clarifies what deeds may be accepted by the Register of Deeds and specifies when the Register of Deeds may accept a plat without Planning Board approval. Vote 16-1.

#### Amendment (2273L)

Amend the bill by replacing sections 3 and 4 with the following:

3 New Paragraph; Determining When Site Plan Review Required. Amend RSA 674:43 by inserting after paragraph III the following new paragraph:

IV. The local legislative body of a municipality may by ordinance or resolution establish thresholds based on the size of a project or a tract below which site plan review shall not be required. If a municipality establishes a size limit below which site plan review shall not be required, the planning board shall adopt or amend its regulations to clearly reflect that threshold. Nothing in this paragraph shall preclude the planning board from establishing such thresholds in the absence of action by the legislative body.

4 Recording of Plats. Amend RSA 676:18, II and III to read as follows:

II. Notwithstanding the provisions of paragraph I, the register of deeds shall accept for recording a plat prepared and certified by a licensed land surveyor *or by a former registered land surveyor* if such plat bears a certificate by a licensed *or registered* land surveyor that the property lines shown are the lines dividing existing [ownerships] *parcels* and that the lines of streets and ways shown are those of public or private streets or ways already established and that no new [lines for division of existing ownership or for new] ways are shown. The recording of any such plat shall not relieve any owner from compliance with the provisions of this chapter.

III. The certificate by a licensed land surveyor shall be in the following form:

"I certify that this survey plat [shows the property lines that are the lines of existing ownerships] *is not a subdivision pursuant to this title* and that the lines of streets and ways shown are those of public or private streets or ways already established and that no new [lines for division of existing ownership or for new] ways are shown."

Date: \_\_\_\_\_

\_\_\_\_\_  
Licensed Land Surveyor  
SEAL

### AMENDED ANALYSIS

This bill amends the statutes relative to the recording of plats by:

(1) Specifying what plats the registry of deeds shall accept for recording by licensed and registered land surveyors.

(2) Specifying when the register of deeds shall and may accept for recording survey plats which are not subdivisions prepared by a licensed land surveyor or a former registered land surveyor, without the approval of a planning board.

The bill also authorizes the local legislative body of a municipality by ordinance or resolution to establish thresholds based on the size of a project or a tract below which site plan review will not be required. A planning board may establish such thresholds if the legislative body does not do so.

**SB 20**, relative to the maintenance and replacement of vegetation located on highway rights-of-way obstructing advertising devices. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leon Calawa, Jr. for Public Works and Highways: The Public Works and Highways Subcommittee met three times and had very open and heated hearings to address the concerns of both sides of the bill. After three amendments and two other drafts it seemed impossible to solve the issue to satisfy all parties in the short time available. We believe there now is common ground that can be explored over the summer to meet the needs of the tourist industry, and the concerns of the conservation issue. If passed as amended, this bill establishes a moratorium on new off-premise advertising devices until July 1, 1996, and establishes a joint House, Senate committee to study the issue and make recommendations for legislative action next session. Hopefully, this will put an annual debate to bed and off our calendar every year. Vote 17-0.

### Amendment (2374L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing a temporary moratorium on new off-premise advertising devices and establishing an off-premise advertising device and vegetation maintenance study committee.

Amend the bill by replacing all after the enacting clause with the following:

1 Off-Premise Advertising Devices; Temporary Moratorium. Notwithstanding any other law to the contrary, no new off-premise advertising device that is required to apply for a permit under RSA 236:72, shall be issued a permit or be erected until July 1, 1996, or until legislation recommended by the study committee established in section 2 of this act is enacted, whichever occurs earlier.

2 Committee Established. There is established a committee to study off-premise advertising devices and maintenance of vegetation around off-premise advertising devices.

1. The committee shall consist of the following members:

(a) Five members of the house, 3 of whom shall be from the house public works and

highways committee, appointed by the speaker of the house.

(b) Five members of the senate, appointed by the senate president.

II. All members shall be appointed within 30 days after the effective date of this act. The first-named house member shall call the first meeting of the committee. Five members shall constitute a quorum. The members may elect a committee chairperson. Members shall receive mileage at the legislative rate.

III. The committee shall submit a report on its findings and recommendations, including proposals for legislation, to the senate president, the speaker of the house, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1995.

3 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill:

I. Temporarily prohibits the erection or permitting of certain new off-premise advertising device.

II. Establishes an off-premise advertising device and vegetation maintenance committee.

**SB 107-FN**, allowing licensed beverage manufacturers to sell beverages to the general public in limited quantities for off premise consumption. **OUGHT TO PASS**

Rep. Stephen G. Avery for Regulated Revenues: This bill will allow licensed beverage manufacturers to sell no more than 72 fluid ounces (6 pack) of beer to the general public for off premise consumption. Manufacturers will pay appropriate fees as required by RSA 178:30. Vote 15-0. Referred to Finance.

**SB 99-FN**, requiring the international accessibility symbol to be added to the special number plates issued to certain veterans. **OUGHT TO PASS**

Rep. Mark A. Krochmal for Transportation: This bill amends the current statute regarding veterans' license plates by specifying that the international accessibility symbol (i.e., wheelchair) be added to the plates of those veterans whose physical disabilities make them eligible for disability plates. As these veterans' plates tend to have low digit numbers, the committee believes that there will be sufficient space remaining to accommodate this symbol. Vote 15-0.

**SB 167-FN**, requiring any person applying for or renewing a driver's license to be checked through the National Crime Information Center for wanted felons and the National Law Enforcement Telecommunications Systems, as a precondition to issuance, and imposing a surcharge on fines and default payments which are overdue to the division of motor vehicles. **RE-REFER TO COMMITTEE**

Rep. Ken W. Malcolm for Transportation: It was felt by a committee vote of 17-0 that this bill had too many complex questions and further study was needed. With the state now operating with a projected deficit of \$100,000,000, this was not the time to add personnel to effectuate the laudable goals of this bill. It was also felt that by working with the court system, Attorney General's Office, local police and sheriffs, along with the Department of Safety, that the committee may be able to present a workable law to collect defaulted fines and to locate and to prevent wanted felons from acquiring New Hampshire driver's licenses. Vote 17-0.

#### REGULAR CALENDAR

**SB 87-FN**, relative to the business finance authority. **OUGHT TO PASS**

Rep. Anthony Syracuse for Commerce, Small Business, Consumer Affairs and Economic Development: This bill expands the scope of operation of the BFA by making their programs more effective and accessible to New Hampshire businesses. The primary result of the expanded program will be jobs, by encouraging existing companies to remain in New Hampshire and attracting others to relocate here. Vote 17-0.

Adopted and ordered to third reading.

**SB 148-FN-A**, establishing the New Hampshire real estate investment trust act and making an appropriation therefor. **RE-REFER TO COMMITTEE**

Rep. Eric N. Lindblade for Commerce, Small Business, Consumer Affairs and Economic Development: This bill establishes a New Hampshire Real Estate investment trust act. It allows small investors to invest in real estate much like a mutual fund. The committee did not have sufficient time to study this bill and concerns were raised by the Dept. of Revenue Administra-

tion regarding several tax issues. Vote 18-0.

Adopted.

**SB 152-FN**, relative to fees for filing documents with the insurance department. **RE-REFER TO COMMITTEE**

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: The committee has a great number of questions they feel need to be answered before this bill passes. Although these fees have not been increased for twenty years, we feel another year will not be detrimental to the Insurance Department. Vote 11-7.

Adopted.

**SB 10-FN-A**, establishing a committee to study the chancellor's office of the university system and related matters and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. O. Alan Thulander for Education: The majority of the committee felt that the testimony presented by all the presidents of institutions comprising the university system, the president of a large private New Hampshire college, and the unanimous support of the consortium of New Hampshire colleges including all nine private institutions, demonstrated clearly the important contributions made by the chancellor's office. Vote 12-5.

Adopted.

Rep. Robert Wollner wished to be recorded in opposition to the report.

**SB 133-FN-A**, establishing a pollution prevention program in the department of environmental services and making an appropriation therefor. **RE-REFER TO COMMITTEE**

Rep. Derek Owen for Environment and Agriculture: The majority of the committee has no problem with the intent of this bill i.e., pollution prevention up front. However, there were certain areas we felt needed more attention. Having only two sessions for discussion for such an involved topic was simply not enough time. Dedicated funds being transferred within a department for other purposes, considerations of confidentiality and a balance of publicly funded information for private enterprises for profit being among those areas. Vote 10-3.

Adopted.

**SB 81**, clarifying the department of environmental services authority to levy administrative fines. **OUGHT TO PASS WITH AMENDMENT**

Rep. Lawrence A. Emerton, Sr. for Executive Departments and Administration: This bill clarifies the department of environmental services authority to levy administrative fines. It also clarifies the department's administrative powers in relations to the owners of dams. Vote 15-1.

### Amendment (2308L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

clarifying the authority of the department of environmental services to  
levy administrative fines and relative to dams, mills, and flowage.

1 Statement of Purpose. The general court hereby declares that the intent of this act is to clarify the administrative fine authority and the administrative powers relative to dams, mills and flowage of the department of environmental services.

2 Imposition of Administrative Fines. Amend the introductory paragraph of RSA 146-A:15, I and RSA 146-A:15, I(a) to read as follows:

I. The commissioner of the department of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter *including any rule adopted under the provisions of this chapter*. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) A schedule of administrative fines which may be imposed under this [paragraph for violation of this chapter] *section for violations as provided in paragraph 1*.

3 Imposition of Administrative Fines. Amend the introductory paragraph and paragraph I of



RSA 146-C:10-a to read as follows:

146-C:10-a Administrative Fines. The commissioner of the department of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter *including any rule adopted under the provisions of this chapter*. Rehearings and appeals from a decision of the commissioner under this section shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this section shall be deposited by the commissioner in the oil pollution control fund established under RSA 146-A. The commissioner shall adopt rules, under RSA 541-A, relative to:

I. A schedule of administrative fines which may be imposed under this section for [violation] *violations* of this chapter *as provided above*[,] and

4 Imposition of Administrative Fines. Amend the introductory paragraph of RSA 147-A:17-a, I and RSA 147-A:17-a, I(a) to read as follows:

I. The commissioner of the department of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter *including any rule adopted under the provisions of this chapter*. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph for [violation] *violations* of this chapter *as provided above*.

5 Imposition of Administrative Fines. Amend the introductory paragraph and paragraph I of RSA 149-M:12-a to read as follows:

149-M:12-a Administrative Fines. The commissioner, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter *including any rule adopted under the provisions of this chapter*. Rehearings and appeals from a decision of the commissioner under this section shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The commissioner shall adopt rules, under RSA 541-A, relative to:

I. A schedule of administrative fines which may be imposed under this section for [violation] *violations* of this chapter *as provided above*.

6 Enforcement and Penalties; Administrative Fines. Amend the introductory paragraph of RSA 485:58, IV and RSA 485:58, IV(a) to read as follows:

IV. The commissioner of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter *including any rule adopted under the provisions of this chapter*. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA [21-O:14] 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this paragraph shall be deposited by the division in the general fund. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph for [violation] *violations* of this chapter *as provided above*.

7 Imposition of Administrative Fine. Amend the introductory paragraph of RSA 485-A:22, V and RSA 485-A:22, V(a) to read as follows:

V. The commissioner of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this subdivision or, RSA 485-A:5 *including any rule adopted under this subdivision or RSA 485-A:5*. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this paragraph shall be deposited by the division in the general fund. The commissioner shall adopt rules, under RSA 541-

A, relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph for [violation] *violations* of this chapter *as provided above*.

8 Imposition of Administrative Fines. Amend the introductory paragraph to RSA 485-A:43, V and RSA 485-A:43, V(a) to read as follows:

V. The commissioner of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this subdivision *including any rule adopted under the provisions of this chapter*. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA [21-O:14] 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this subdivision. The proceeds of administrative fines levied pursuant to this paragraph shall be deposited by the division in the general fund. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph for [violation] *violations* of this subdivision *as provided above*.

9 Reference Changed. Amend the introductory paragraph of RSA 485-A:54, V and RSA 485-A:54, V(a) to read as follows:

V. The commissioner of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this subdivision, any rule adopted under this subdivision, or any permit or contract entered into under the authority of this subdivision. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA [21-O:14] 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this subdivision. The proceeds of administrative fines levied pursuant to this paragraph shall be deposited by the division in the replacement fund established pursuant to RSA 485-A:51. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph for [violation] *violations* of this chapter *as provided above*.

10 Administrative Powers and Rulemaking Authority Clarified. Amend RSA 482:87 to read as follows:

482:87 Administrative Powers. The [division] *department* shall have the power to issue permits and to make orders under this [subdivision] *chapter*, conduct hearings, subpoena and examine under oath owners of dams, their books, records, documents, correspondence, and accounts, and to subpoena any other person it deems necessary to implement the purposes and intent of this [subdivision] *chapter*. The [division may] *commissioner shall* adopt under RSA 541-A and enforce such reasonable rules as are deemed necessary to implement the provisions of this [subdivision] *chapter*.

11 Effective Date.

I. Section 10 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect January 1, 1996.

### AMENDED ANALYSIS

This bill clarifies the department of environmental services' authority to impose fines for violations of rules and permit provisions.

This bill also clarifies the administrative powers and rulemaking authority of the department of environmental services relative to dams, mills, and flowage.

Adopted.

Report adopted and ordered to third reading.

**SB 125-FN-L**, abolishing the New Hampshire retirement system special reserve account.  
**OUGHT TO PASS WITH AMENDMENT**

Rep. Myron S. Steere, III for Executive Departments and Administration: The bill eliminates the retirement system special reserve account placing fifty percent of the funds into the special account for use as future COLAs, the balance of the funds placed in the state annuity accumulation fund. The amendment maintains the parameters used in distribution of the earnings in excess of the actuarial assumed rate of return for the retirement system. The bill does not affect the employer contribution to the fund until the funded pension liability ratio exceeds 125 per-

cent using the accumulated benefit obligation method. The committee believes this approach to eliminating the special reserve account is in the best interest of the retirement system and its members. Vote 11-0.

#### **Amendment (2340L)**

Amend RSA 100-A:16, II(h)(2) as inserted by section 1 of the bill by replacing it with the following:

(2) All of the earnings of the remaining assets of the retirement system in excess of the assumed rate of return as determined by the trustees shall be allocated to the 4 member classifications, with distribution within each classification based upon the funded ratio pension liability using the accumulated benefit obligation for each member classification as follows:

(A) When the funded ratio pension liability is less than 100 percent, all of the earnings in excess of the actuarial assumed rate of return shall be credited to the state annuity accumulation fund.

(B) When the funded ratio pension liability equals or exceeds 100 percent but is less than 125 percent, 50 percent of the excess earnings shall be distributed to the state annuity accumulation fund, and 50 percent of the excess earnings shall be distributed to the special account.

(C) When the funded ratio pension liability equals or exceeds 125 percent, all excess earnings shall be credited to the special account.

Amend the bill by replacing section 2 with the following:

2 Allocation of Earnings in Special Reserve. On June 30, 1995, all of the earnings held in the special reserve under RSA 100-A:16, II(h) shall be allocated to the state annuity accumulation fund, and 50 percent of those earnings shall in turn be allocated to the special account in the respective 4 member classifications in RSA 100-A:16, II(h) following the abolition of the special reserve in section 1 of this act. Notwithstanding any other provision of law, funds credited to the state annuity accumulation fund from the special reserve shall not be used to reduce the employer contribution to the state annuity accumulation fund until the funded ratio pension liability using the accumulated benefit obligation exceeds 125 percent.

Adopted.

Report adopted and referred to Finance.

Rep. Howard Williams declared a conflict of interest and did not participate.

#### **SB 151-FN-L, relative to the management of retirement system funds. OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: In 1990, the legislature allowed the trustees to use the prudent expert rule for their investment strategy in place of the legal list. This program will sunset on June 30, 1995. The trustees would like to continue with the present strategy as it allows the system to be more flexible in a changing investment market and allow them to invest in other investments to offset possible changes in some investments. This policy has been in effect for almost 5 years and has produced more income to the system than a program that was limited to a legal list. The committee had a long discussion over the safety and philosophy of prudent expert investment program but when the vote was taken it was for this program to be continued. The amendment adds the other portions of RSA 100-A:15, IE, II, (a) (b) (c) (d) III, IV, V, VI, VII, (a) (b) (c) (d), all of which are in present law but not included in the senate bill. Vote 12-2.

#### **Amendment (2268L)**

Amend the bill by replacing section 1 with the following:

1 Management of Retirement System Funds. RSA 100-A:15 is repealed and reenacted to read as follows:

I. The members of the board of trustees shall be the trustees of the several funds created hereby and shall have full power to invest and reinvest such funds. The members of the board of trustees shall also have the power to invest and reinvest such funds in participation units in the public deposit investment pool established pursuant to RSA 383:22. Said trustees shall have full power to hold, purchase, sell, assign, transfer, and dispose of any of the securities and in-

vestments in which any of the funds created hereby have been invested, as well as the proceeds of such investments. All of the assets and proceeds, and income therefrom, of the New Hampshire retirement system, and all contributions and payments made thereto, shall be held, invested or disbursed in trust solely in the interest of the members and beneficiaries of the system for the exclusive purpose of providing those benefits and defraying those reasonable administrative expenses provided for under this chapter. In the management, investment and reinvestment of system assets so held in trust hereunder, the system's board of trustees shall exercise the judgment and care under the circumstances then prevailing, which persons of prudence, discretion and intelligence, acting in a like capacity and familiar with such matters, would use in the conduct of a pension plan of like character and with like aims as the system, and by diversifying investments of the system so as to minimize the risk of large losses to the trust fund.

II. The board of trustees shall:

(a) Have the authority to empower an investment committee of its members to make investments and deposits between meetings of the board.

(b) Have the further authority to hire investment counsel. The compensation for investment counsel services and the compensation for actuarial services required by the board of trustees in performing the duties required by RSA 100-A:14 shall be a charge upon the funds of the New Hampshire retirement system.

(c) Appoint and employ a custodian of the several funds of the retirement system, and such custodian, as an agent of the board, shall be compensated and such compensation shall be a charge upon the funds of the retirement system.

(d) Have the full power and authority to delegate to any agent, within or without the state, who may or may not be the custodian of stocks and securities, the power and discretion to make decisions with regard to the purchase or sale of any legal object of investment and to take any action necessary to effect decisions by or on behalf of the New Hampshire retirement system with the same legal effect as if performed by the board of trustees of the New Hampshire retirement system. The board of trustees shall have the power to authorize the payment of compensation to an agent or agents for management services.

III. Except as otherwise provided in this section, no trustee and no employee of the board of trustees shall have any personal interest in the gains or profits of any investment made by the board; nor shall any trustee or employee of the board, directly or indirectly, for himself or as an agent, in any manner use the same except to make such current and necessary payments as are authorized by the board; nor shall any trustee or employee of the board become an endorser or surety, or in any manner an obligor, for money loaned to or borrowed from the board.

IV. The board of trustees is authorized to engage the services of legal counsel for special investment, federal, and tax matters and, with the approval of the attorney general, to engage outside counsel for other matters. The payment for services provided in this paragraph shall be a charge upon the funds of the New Hampshire retirement system.

V. The board of trustees shall adopt rules pursuant to RSA 541-A relative to procedures to be followed in establishing and modifying investment objectives and guidelines, and in selecting investment managers, investment products and investment participations.

VI. The funds of the New Hampshire retirement system shall be audited annually. The board of trustees shall complete, not later than 120 days after the close of the fiscal year, unless the fiscal committee and the governor and council for good cause shall extend such period, a comprehensive annual financial report concerning the preceding fiscal year that details the financial condition and operation of the system during that period in a manner consistent with generally accepted accounting principles. Said report subsequently shall be audited by the legislative budget assistant who may designate a certified public accountant not employed in the state service to conduct the annual audit and may accept the findings and report of the certified public accountant as fulfilling the provisions of this paragraph, provided that in either case said audit shall be conducted in accordance with prevailing standards and practices of governmental auditing specified by authoritative national standard setting bodies. The cost of such audit shall be a charge upon the funds of the New Hampshire retirement system.

VII. The board of trustees shall complete a comprehensive annual investment report at the same time that the annual financial report under paragraph VI is completed. The investment report shall be submitted to the president of the senate, the speaker of the house, and the governor.

The report shall include, but shall not be limited to:

(a) A description of the board's philosophy for investing the assets of the system, including an analysis of any significant changes in philosophy which have occurred from the prior annual report.

(b) An analysis of the return on investment, by investment category.

(c) Anticipated future uses of and approaches to the management, investment, and reinvestment of system assets under the principles of paragraph I.

(d) Any suggested changes in legislation which the board may seek in order to better serve the members of the system. This is not intended to preclude the board of trustees from seeking additional legislation as needs arise between annual reports.

#### AMENDED ANALYSIS

This bill replaces a version of RSA 100-A:15 which would otherwise take effect on July 1, 1995, relative to the investment of funds by the New Hampshire retirement system board of trustees, so that the current statutory provisions will remain in effect.

This bill is a request of the New Hampshire retirement system.

Adopted.

Report adopted and referred to Finance.

**SB 157-FN-L**, placing probation-parole officers in group II in the New Hampshire retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: The testimony before the committee indicated that parole-probation officers of the New Hampshire Corrections Department have the power to arrest probationers and parolees in violation of the rules of probation and parole. They also meet many of the criteria of permanent policemen for the purposes of classification in group II in the New Hampshire Retirement System. This bill grants the Police Standards and Training Council the power to establish in-service and advanced courses and programs for parole-probation officers. Those eligible for group II will undergo the training program for parole-probation officers, have close and immediate contact with felons on a regular basis, responsible for prevention, detection, or prosecution of crime and enforcement of state laws and court orders. They have arrest powers, the authority to carry firearms, and transport intrastate and interstate fugitive felons. The officers will, as a job requirement, meet all physical, mental, educational, and continuing education requirements of the certifying authority. Only those parole-probation officers with an active case load are eligible for group II. This bill does not allow certified members to convert their group I time to group II credit, they will retire with a split benefit. The committee gave a strong vote that parole-probation officers meet the qualifications outlined in RSA 100-A: 1, VII for membership in group II. Vote 16-0.

#### Amendment (2263L)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Definitions. Amend RSA 188-F:23 by inserting after paragraph IV the following new paragraph:

V. "State probation-parole officer" means any sworn employee of the New Hampshire department of corrections who is responsible for the supervision of probationers and parolees, who has an assigned caseload, and who has the authority to arrest for violations of the rules of probations or parole.

Amend the bill by replacing section 6 with the following:

6 New Subparagraph; Probation-Parole Officers Included in Definition of Permanent Policeman. Amend RSA 100-A:1, VII by inserting after subparagraph (e) the following new subparagraph:

(f) A probation-parole officer employed full time in the division of field services of the department of corrections pursuant to RSA 504-A who:

(1) Has close and immediate contact with felons on a regular basis;

(2) Has an assigned caseload;

(3) Is responsible for the prevention, detention, or prosecution of crime and the enforcement of the laws of the state, the orders of the court, and the conditions imposed on probationers and parolees by the court;

(4) Has full arrest powers of all probationers and parolees as provided in RSA 504-A;

(5) Has the power to search the residence of a probationer or parolee;

(6) Has close contact with felons prior to sentencing when preparing a pre-sentence investigation that includes a disposition recommendation for the court, and supervision when placed on probation or parole. Investigation and supervision may be conducted in the person's residence, in state or county correctional facilities, in drug centers, or elsewhere;

(7) Has responsibility to return to the courts or to the parole board those felons who violate conditions of probation or parole;

(8) Has responsibility for the intrastate and interstate transportation of fugitive felons;

(9) Is aware that all parolees have served time in prison, and that many probationers have served time in state or county correctional facilities or are on a suspended commitment sentence;

(10) As a job requirement, is fully certified as a probation-parole officer by the police standards and training council after successful completion of a training program, including the use of weapons, approved by the council; and

(11) As a job requirement, meets all physical, mental, educational, and other qualifications for continuing certification as a probation-parole officer that may be established by the certifying authority.

Amend the bill by deleting section 11 and renumbering sections 12 and 13 to read as 11 and 12, respectively.

Adopted.

Report adopted and referred to Finance.

**SB 165-FN-L**, relative to certifying corrections personnel for membership in group II in the New Hampshire retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Timothy N. Robertson for Executive Departments and Administration: The bill as amended by the house sets forth in statute that certain employees of the Department of Corrections may appeal certification decisions of the Director of Personnel to the Personnel Appeals Board. Vote 13-3.

#### Amendment (2264L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to appealing certification decisions by the director of personnel  
for membership in group II in the New Hampshire retirement system.

Amend the bill by replacing section 1 with the following:

1 Definition of Permanent Policeman. Amend the introductory paragraph of RSA 100-A:1, VII to read as follows:

VII. "Permanent policeman," for the purposes of membership in group II and other provisions of this chapter, shall mean any person, whether elected or appointed, who is regularly employed on a full-time basis by the state in a job [certified by the director of personnel as] conforming to the requirements of this paragraph, *as certified by the director of personnel and subject to an appeal of that certification to the personnel appeals board under RSA 21-I:46 for its review and approval or disapproval of the certification*, or by any of its political subdivisions in a job certified by the governing body of the political subdivision as conforming to the requirements of this paragraph, which job shall be in one of the following categories:

#### AMENDED ANALYSIS

Under present law, the director of personnel certifies whether a state job meets the requirements and definition of a permanent policeman for inclusion in group II. This bill adds the availability of an appeal of that certification decision to the personnel appeals board under RSA 21-I:46.

Adopted.

Report adopted and referred to Finance.

**SB 54**, relative to lead paint. **OUGHT TO PASS WITH AMENDMENT**

Rep. Margaret D. Hallyburton for Judiciary and Family Law: The bill restates the current case law, that the mere presence of a lead base substance does not constitute negligence. (There must also be a showing of injury, and that harm must be caused by the presence of the lead base substance). The bill also states the mere presence of a lead base substance, without more, does not constitute a violation of any warranty of habitability. The amendment changes the term

“existence” to “mere presence”. The problem this bill addresses is that insurers are reluctant to insure an older dwelling. Because of this, there will be fewer rental units available for low income renters. Vote 10-4.

### Amendment (2199L)

Amend RSA 130-A:18 as inserted by section 1 of the bill by replacing it with the following:  
130-A:18 Civil Suits. Notwithstanding any provision of law to the contrary, the mere presence of a lead base substance shall not constitute negligence on the part of an owner of any dwelling. To establish negligence on the part of an owner, the plaintiff in a civil suit shall demonstrate actual injury caused by the lead base substance. In addition, the mere presence of a lead base substance in a dwelling shall not by itself violate any warranty of habitability.

### AMENDED ANALYSIS

This bill declares that the mere presence of lead base paint does not constitute negligence and does not by itself violate any warranty of habitability in a dwelling.

Adopted.

Report adopted and ordered to third reading.

**SB 114**, restricting the use of hearsay evidence under the child protection act, and providing that filing a malicious false report shall be a misdemeanor. **INEXPEDIENT TO LEGISLATE**

Rep. Julie M. Brown and Rep. Irene A. Pratt for Judiciary and Family Law: The committee feels strongly that adoption of this bill would mark a dangerous and, potentially, tragic retreat from our obligation to shield the state's children from abuse and neglect and to protect the anonymity and safety of those who are obliged to report incidents of suspected child abuse to the proper authorities. The individual who makes the initial report to the division out of concern for a child is not the “accuser”. Those cases which are ultimately brought to court for civil adjudication are brought by the division on the basis of the division's independent investigation. Also, passage of this bill would jeopardize \$1.5 million annually in federal revenue to the state and counties. Vote 15-1.

Rep. Wendelboe spoke against and yielded to questions.

Reps. Julie Brown and Irene Pratt spoke in favor and yielded to questions.

### (Rep. Cole in the Chair)

Reps. Goddard and Hemon spoke against.

Reps. Carol Moore and Lockwood spoke in favor.

### (Speaker Burns in the Chair)

Rep. Lionel Johnson requested a roll call; sufficiently seconded. The question being the adoption of the report.

### YEAS 244 - NAYS 94

#### YEAS 244

#### BELKNAP

Boriso, Thomas  
Lawton, Robert  
Ziegler, Alice

Dewhirst, Glenn  
Smith, Linda

Holbrook, Robert  
Thomas, John

Hurt, George  
Turner, Robert

#### CARROLL

Bradley, Jeb  
Lyman, L. Randy

Chandler, Gene  
Mock, Henry

Howard, Godfrey  
Patten, Betsey

Kenney, Joseph  
Philbrick, Donald

#### CHESHIRE

Avery, Stephen  
Delano, Robert  
Manning, Joseph  
Richardson, Barbara  
Russell, Ronald

Champagne, Richard  
Doucette, Richard  
McGuirk, Paul  
Riley, William  
Steere, Myron, III

Cole, Stacey  
Feuer, Joseph  
Metzger, Katherine  
Robertson, Timothy  
Wollner, Robert

DePecol, Benjamin  
Kingsbury, H. Thayer  
Pratt, Irene  
Royce, H. Charles

**COOS**

Bradley, Paula  
Guay, Lawrence  
Merrill, Gerald

Coulombe, Henry  
Hawkinson, Marie  
Pratt, Leighton

Coulombe, Yvonne  
Mayhew, Josephine  
St. Hilaire, Paul

Davis, Perley  
Mears, Edgar

**GRAFTON**

Adams, Carl  
Eaton, Stephanie  
Lovett, Sidney  
Trelfa, Richard

Bean, Pamela  
Hill, Richard  
MacNeil, Allen

Brown, Alson  
LaMott, Paul  
Scanlan, David

Crory, Elizabeth  
Larson, Nils, Jr.  
Teschner, Douglass

**HILLSBOROUGH**

Ahern, Richard  
Barry, Janet  
Bridgewater, Charles  
Champagne, Norma  
Desrosiers, William  
Dyer, Merton  
Fields, Dennis  
Goulet, Maurice  
Hansen, Herbert  
Hunter, Bruce  
Kane, Laura  
Lefebvre, Roland  
McCarthy, William  
Mercer, Robert  
O'Rourke, Joanne  
Sargent, Maxwell  
Streeter, Janice  
Toomey, Kathryn  
White, Donald

Allen, W. Gordon  
Belvin, William  
Buckley, Raymond  
Clemons, Jane  
Dokmo, Cynthia  
Dykstra, Leona  
Foster, Linda  
Haettenschwiller, Alphonse  
Hart, Nick  
Hussey, Mary  
Kirby, Thomas  
Legacy, Earl  
McCarty, Winston  
Messier, Irene  
Pepino, Leo  
Searles, Stanley, Sr.  
Sullens, Joan  
Turgeon, Roland  
White, John

Amidon, Eleanor  
Bergeron, Normand  
Calawa, Leon, Jr.  
Cote, David  
Durham, Susan  
Emerton, Lawrence, Sr.  
Franks, Suzan  
Hall, Betty  
Holden, Carol  
Jean, Claudette  
L'Heureux, Robert  
Letendre, Evelyn  
McMahon, Donald  
Mittelman, David  
Reidy, Frank  
Showerman, Peter  
Taylor, Paul  
Wheeler, Craig  
Wright, George

Asselin, Robert  
Boutin, David  
Cepaitis, Elizabeth  
Desmarais, Vivian  
Dwyer, Paul, Sr.  
Ferguson, Charles  
Gagnon, Eugene  
Hallyburton, Margaret  
Holley, Sylvia  
Johnson, Lionel  
Laughlin, J. Francis  
Lozeau, Donnalee  
Melcher, Harold  
O'Hearn, Jane  
Sallada, Roland  
Soucy, Donna  
Thulander, O. Alan  
Wheeler, Robert

**MERRIMACK**

Chandler, Charles  
Crosby, Toni  
Feuerstein, Martin  
Lamach, Bernard  
Moore, Carol  
Owen, Derek  
Varsalone, Robert  
Whittemore, James

Chandler, Earle  
Daneault, Gabriel  
Fraser, Marilyn  
Little, Michael  
Morrill, Olive  
Pfaff, Terence  
Wallner, Mary Jane  
Yeaton, Charles

Chandler, John  
DeStefano, Stephen  
Hess, David  
Lockwood, Robert  
Newland, Matthew  
Pitman, Mary Ellen  
Warner, Richard

Coughlin, Anne  
Dunn, Miriam  
Jacobson, Alf  
MackKay, James  
Nichols, Avis  
Rogers, Katherine  
Whalley, Michael

**ROCKINGHAM**

Abbott, Dennis  
Carson, Gregory  
Conroy, Janet  
Fesh, Robert  
Hawkins, Robert  
Kelley, Jane  
Lovejoy, Marian  
Nowe, Ronald  
Raynowska, Bernard  
Senter, Merilyn  
Sytek, John

Arndt, Janet  
Christie, Andrew, Jr.  
Cote, Patricia  
Flanagan, Natalie  
Henderson, Warren  
Klemm, Arthur, Jr.  
Magoon, Harold  
Noyes, Richard  
Ross, James  
Stritch, C. Donald  
Vaughn, Charles

Battles, Marjorie  
Clark, Martha  
Dodge, Robert  
Flanders, John, Sr.  
Hurst, Sharleene  
Kruse, Fred  
McCarthy, John, Jr.  
Pratt, Katharin  
Rubin, George  
Syracusa, Anthony  
Weare, Everett

Boucher, William  
Coes, Betsy  
Dube, LeRoy  
Gage, Beverly  
Johnson, Robert  
Langley, Jane  
McGovern, Cynthia  
Putnam, Ed, II  
Sabella, Norma  
Sytek, Donna  
Yennaco, Carol

**STRAFFORD**

Berube, Roger  
Douglass, Clyde

Brown, Julie  
Grassie, Anne

Callaghan, Frank  
Hambrick, Patricia

DeChane, Marlene  
Hilliard, Dana



Keans, Sandra  
McKinley, Robert  
Pelletier, Arthur  
Sullivan, Henry  
Wall, Janet

Knowles, William  
Merrill, Amanda  
Reynolds, Charles  
Tessimond, Shane  
Wasson, Richard

Loder, Suzanne  
Merritt, Deborah  
Snyder, Clair  
Torr, Ann  
Williams, Howard

Lundborn, Raymond  
Nehring, William  
Spear, Barbara  
Torr, Franklin

### SULLIVAN

Allison, David  
Palmer, Lorraine

Behrens, Thomas  
Peyron, Fredrik

Cloutier, John  
Schotanus, Merle

Flint, Gordon  
Stettenheim, Sandy

### NAYS 94

### BELKNAP

Bartlett, Gordon  
Rice, Thomas, Jr.

Johnson, James  
Rosen, Ralph

Lafiam, Robert  
Wendelboe, Francine

Lawton, David

### CARROLL

Babson, David, Jr.

Cooper, Kipp

Dickinson, Howard, Jr.

### CHESHIRE

Hunt, John

Laurent, John

McNamara, Wanda

### COOS

Horton, Lynn

### GRAFTON

Chase, Paul, Jr.  
Phinney, William

Cobbin, Philip  
Tucker, John

Connolly, Steven

Mirski, Paul

### HILLSBOROUGH

Aksten, Cheryl  
Burke, M. Virginia  
Dodge, Emma  
Gibson, John  
Krochmal, Mark  
MacIntyre, Doris  
Moncrief, Keith  
Worthen, Dorothy

Alukonis, David  
Chabot, Robert  
Feng, David  
Gotham, Rita  
Kurk, Neal  
Marcinkowski, Michael  
Packard, Bonnie

Arnold, Thomas, Jr.  
Clegg, Robert, Jr.  
Fenton, James  
Herman, Keith  
Luebker, Bernard  
McRae, Karen  
Pappas, Marc

Brundige, Robert  
Daniels, Gary  
Francoeur, Gary  
Jean, Loren  
MacGillivray, Jeffrey  
Milligan, Robert  
Soucy, Richard

### MERRIMACK

Adams, Stephen  
Crowell, Peter

Barberia, Richard  
Kennedy, Richard

Brown, Mary  
Patenaude, Amy

Buessing, Marjorie

### ROCKINGHAM

Aranda, M. Kathryn  
Bishop, Franklin  
Dowling, Patricia  
Gorman, Donald  
Lupien, James  
Morris, Debbie  
Simmons, John Anthony  
Weyler, Kenneth

Attar, Kevin  
Camm, Kevin  
Dunham, Vivian  
Katsakiores, George  
Malcolm, Ken  
Packard, Sherman  
Smith, Arthur

Beaulieu, Jon  
Cornell, A. Jefferson  
Gleason, John  
Katsakiores, Phyllis  
McKinney, Betsy  
Richards, David  
Tufts, J. Arthur

Belanger, Ronald  
Dowd, Sandra  
Goddard, Warren  
Kobel, Rudolph  
Moore, Benjamin  
Scanlon, Edward  
Welch, David

### STRAFFORD

Hanlon, Mark  
Vincent, Francis

Hemon, Roland

Musler, George

Steadman, Frederick

### SULLIVAN

Adler, Rudolf

Lindblade, Eric

Scott, Robert

Whipple, Allen

and the report was adopted.

Rep. Trombly declared a conflict of interest and did not participate.

**SB 2-L**, enabling towns, village districts, and school districts to use the official ballot for voting on all warrant articles. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Thomas A. Behrens for the Majority of the Municipal and County Government: The subcommittee on SB 2-L (the official ballot bill) met with members of the House and Senate as well as members of the public. The amendment which was forged by this coalition in fact replaces the original bill. The amended changes bring SB 2 closer to HB 141 which is the House position on official ballots, but maintains a stock official ballot bill for those political subdivisions which choose not to utilize the Charter process. Of major significance is the requirement that for a political subdivision to adopt this ballot bill a 3/5 majority is required. The committee, by a 15-2 majority, urges your support of this legislation. Vote 15-2.

Rep. Norma A. Sabella for the Minority of the Municipal and County Government: New Hampshire town meetings are the purest form of democracy and the essence of representative government. Government by plebiscite and referendum will make town meetings essentially meaningless. It will also reward those who do not take the initiative to become involved and active in town meetings at the expense of those who do. SB 2 rends the fabric of democracy, and drives the first nail into the coffin of town meeting government in New Hampshire. Furthermore, this type of popular legislative initiative has no safeguards from media or political demagoguery. It is an ill-advised assault on representative government.

#### Amendment (2316L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

enabling any local political subdivision of the state, whose legislative body raises and appropriates funds through an annual meeting, to use the official ballot for voting on all warrant articles.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Enabling Official Ballot Voting on All Questions. Amend RSA 40 by inserting after section 11 the following new subdivision:

#### Optional Form of Meeting - Official Ballot Referenda

40:12 Definition. In this subdivision "local political subdivision" means any local political subdivision of the state whose legislative body raises and appropriates funds through an annual meeting.

#### 40:13 Use of Official Ballot.

I. Notwithstanding RSA 39:3-d, RSA 40:4-e, or any other provision of law, any local political subdivision as defined in RSA 40:12 which has adopted this subdivision shall utilize the official ballot for voting on all issues before the voters.

II. The warrant for any annual meeting shall prescribe the place, day and hour for each of 2 separate sessions of the meeting, and notice shall be given in accordance with RSA 39:5 and RSA 197:6.

III. The first session of the annual meeting, which shall be for the transaction of all business other than voting by official ballot shall be held between the second Tuesday of March and the second Saturday following the second Tuesday of March, at a time prescribed by the local political subdivision's governing body. The second Tuesday in March shall be deemed the annual meeting date for purposes of all applicable statutes pertaining to hearings, notice, petitioned articles and warrants, including, but not limited to, RSA 31:95-d, 32:5, 32:16, 33:8-a, 39:3, 39:5, 195:12, 197:6 and 197:7.

IV. The first session of the meeting, governed by the provisions of RSA 40:4, 40:4-a, 40:4-b, 40:4-f and 40:6-10, shall consist of explanation, discussion and debate of each warrant article. Warrant articles may be amended, subject to the following limitations:

(a) Warrant articles whose wording is prescribed by law shall not be amended.

(b) Warrant articles that are amended shall be placed on the official ballot for a final vote on the main motion, as amended.

V. A public hearing shall be held by the local governing body on the results of the first session at least 10 days, but not more than 20 days, before the second session. Notice of the hearing shall be posted in at least 2 public places in the town and at least 2 public places in each town of a multi-town district, and published in a newspaper of general circulation at least 7 days prior to the date of the hearing.

VI. All warrant articles shall be placed on the official ballot for a final vote.

VII. The second session of the annual meeting, to elect officers of the local political subdivision by official ballot, to vote on questions required by law to be inserted on said official ballot, and to vote on all warrant articles from the first session on official ballot, shall be held on the second Tuesday in April. Notwithstanding RSA 669:1, 670:1, or 671:2, the second session shall be deemed the annual election date for purposes of all applicable election statutes including, but not limited to, RSA 669:5, 669:19, 669:30, 670:3, 670:4, 670:11, 671:15, 671:19 and 671:30-32; and votes on zoning ordinances, historic district ordinances, and building codes under RSA 675.

VIII. The clerk of the local political subdivision shall prepare an official ballot, which may be separate from the official ballot used to elect officers for all warrant articles. Wording shall be substantively the same as the main motion, as it was made or amended at the first session, with only such minor textual changes as may be required to cast the motion in the form of a question to the voters.

IX. "Operating budget" as used in this subdivision means "budget" as defined in RSA 32:3, III, exclusive of "special warrant articles," as defined in RSA 32:3, VI.

X. If no operating budget article is adopted, the local political subdivision either shall be deemed to have approved the same appropriations as contained in the operating budget authorized for the previous year, reduced and increased, as the case may be, by debt service, contracts, and other obligations previously incurred or mandated by law, or the governing body may hold a special meeting pursuant to paragraph XVI, notwithstanding any requirement for court petition, to take up the issue of a revised operating budget only. If no operating budget article is adopted the estimated revenues shall nevertheless be deemed to have been approved.

XI. The wording of the article on the operating budget shall be as follows:

"Shall the (local political subdivision) raise and appropriate as an operating budget, not including appropriations by special warrant articles, the amounts set forth on the budget posted with the warrant, for the purposes set forth therein, totaling \$ \_\_\_\_\_? Should this article be defeated, the operating budget shall be \$ \_\_\_\_\_, which is the same as last year, with certain adjustments required by previous action of the (local political subdivision) or by law or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only."

XII. Voting at the second session shall conform to the procedures for the non-partisan ballot system as set forth in RSA 669:19-29, RSA 670:5-7 and RSA 671:20-30, including all requirements pertaining to absentee voting, polling place, and polling hours.

XIII. Approval of all warrant articles shall be by simple majority except for questions which require a 2/3 vote by law, contract or written agreement.

XIV. Votes taken at the second session shall be subject to recount under RSA 669:30-33 and RSA 40:4-c.

XV. Votes taken at the second session shall not be reconsidered except by warrant article at a subsequent annual or special meeting.

XVI. The warrant for any special meeting shall prescribe the date, place and hour for both a first and second session. The second session shall be warned for a date not fewer than 28 days nor more than 60 days following the first session. The first and second sessions shall conform to the provisions of this subdivision pertaining to the first and second sessions of annual meetings. Special meetings shall be subject to RSA 31:5, 39:3, 195:13, 197:2, and 197:3, provided that no more than one special meeting may be held to raise and appropriate money in any one calendar year or fiscal year, whichever applies. Any special meeting held pursuant to paragraphs X and XI shall not be counted toward the number of special meetings which may be held in a given calendar or fiscal year.

40:14 Method of Adopting Official Ballot Referendum Form of Meeting.

I. This subdivision may be adopted by any local political subdivision as defined in RSA

40:12. A 3/5 vote of those voting shall be required to adopt this subdivision.

II. Adoption of this subdivision shall be deemed to constitute a vote to conduct the election of town officers by official ballot under RSA 669:14.

III. The local political subdivision shall place the question on the warrant of the annual meeting under the procedures set out in RSA 39:3 or RSA 197:6, and the question shall be voted on by official ballot in accordance with the procedures established in RSA 669:19-29, RSA 670:5-7 and RSA 671:20-30, including all requirements pertaining to absentee voting, polling places, and polling hours.

IV. A public hearing shall be held by the local governing body on the question at least 15 days, but not more than 30 days, before the question is to be voted on. In multi-town districts, a public hearing shall be held in each town embraced by the district, none of which shall be held on the same day. Notice of the hearing shall be posted in at least 2 public places in the town and at least 2 public places in each town of multi-town districts, and published in a newspaper of general circulation at least 7 days prior to the date of the hearing.

V. The wording of the question shall be: "Shall we adopt the provisions of RSA 40:13 to allow official ballot voting on all issues before the (local political subdivision)?"

VI. If 3/5 of those voting on the question vote "yes," RSA 40:13 shall apply within the local political subdivision at the annual or special meeting next following.

VII. Any local political subdivision which has adopted RSA 40:13 may consider rescinding its action in the manner described in RSA 40:13, III-VI. The wording of the question shall be: "Shall the provisions for voting by official ballot on all issues before the (local political subdivision) under RSA 40:13 be limited to election of officers and certain other questions?" A 3/5 vote of those voting shall be required to rescind the provisions of this subdivision, except in the case of repeal by charter enactment under RSA 49-D.

VIII. For any town which has adopted a charter under RSA 49-D:3, the method of adoption shall be the manner of amending the charter as provided under RSA 49-B.

2 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill enables any local political subdivision of the state, whose legislative body raises and appropriates funds through an annual meeting, to use the official ballot for voting on all warrant articles.

Rep. Behrens spoke against.

The amendment failed.

Rep. Behrens offered a floor amendment.

### Floor Amendment (2438L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

enabling any local political subdivision of the state, whose legislative body raises and appropriates funds through an annual meeting, to use the official ballot for voting on all warrant articles.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Enabling Official Ballot Voting on All Questions. Amend RSA 40 by inserting after section 11 the following new subdivision:

#### Optional Form of Meeting - Official Ballot Referenda

40:12 Definition. In this subdivision "local political subdivision" means any local political subdivision of the state whose legislative body raises and appropriates funds through an annual meeting.

40:13 Use of Official Ballot.

I. Notwithstanding RSA 39:3-d, RSA 40:4-e, or any other provision of law, any local political subdivision as defined in RSA 40:12 which has adopted this subdivision shall utilize the official ballot for voting on all issues before the voters.

II. The warrant for any annual meeting shall prescribe the place, day and hour for each of 2 separate sessions of the meeting, and notice shall be given in accordance with RSA 39:5 and

RSA 197:6.

III. The first session of the annual meeting, which shall be for the transaction of all business other than voting by official ballot shall be held between the second Tuesday of March and the Saturday following the second Tuesday of March, at a time prescribed by the local political subdivision's governing body. The second Tuesday in March shall be deemed the annual meeting date for purposes of all applicable statutes pertaining to hearings, notice, petitioned articles and warrants, including, but not limited to, RSA 31:95-d, 32:5, 32:16, 33:8-a, 39:3, 39:5, 195:12, 197:6 and 197:7.

IV. The first session of the meeting, governed by the provisions of RSA 40:4, 40:4-a, 40:4-b, 40:4-f and 40:6-10, shall consist of explanation, discussion and debate of each warrant article. Warrant articles may be amended, subject to the following limitations:

(a) Warrant articles whose wording is prescribed by law shall not be amended.

(b) Warrant articles that are amended shall be placed on the official ballot for a final vote on the main motion, as amended.

V. A public hearing shall be held by the local governing body on the results of the first session at least 10 days, but not more than 20 days, before the second session. Notice of the hearing shall be posted in at least 2 public places in the town and at least 2 public places in each town of a multi-town district, and published in a newspaper of general circulation at least 7 days prior to the date of the hearing.

VI. All warrant articles shall be placed on the official ballot for a final vote.

VII. The second session of the annual meeting, to elect officers of the local political subdivision by official ballot, to vote on questions required by law to be inserted on said official ballot, and to vote on all warrant articles from the first session on official ballot, shall be held on the second Tuesday in April. Notwithstanding RSA 669:1, 670:1, or 671:2, the second session shall be deemed the annual election date for purposes of all applicable election statutes including, but not limited to, RSA 669:5, 669:19, 669:30, 670:3, 670:4, 670:11, 671:15, 671:19 and 671:30-32; and votes on zoning ordinances, historic district ordinances, and building codes under RSA 675.

VIII. The clerk of the local political subdivision shall prepare an official ballot, which may be separate from the official ballot used to elect officers, for all warrant articles. Wording shall be substantively the same as the main motion, as it was made or amended at the first session, with only such minor textual changes as may be required to cast the motion in the form of a question to the voters.

IX. "Operating budget" as used in this subdivision means "budget" as defined in RSA 32:3, III, exclusive of "special warrant articles," as defined in RSA 32:3, VI.

X. If no operating budget article is adopted, the local political subdivision either shall be deemed to have approved the same appropriations as contained in the operating budget authorized for the previous year, reduced and increased, as the case may be, by debt service, contracts, and other obligations previously incurred or mandated by law, or the governing body may hold a special meeting pursuant to paragraph XVI, notwithstanding any requirement for court petition, to take up the issue of a revised operating budget only. If no operating budget article is adopted the estimated revenues shall nevertheless be deemed to have been approved.

XI. The wording of the article on the operating budget shall be as follows:  
 "Shall the (local political subdivision) raise and appropriate as an operating budget, not including appropriations by special warrant articles, the amounts set forth on the budget posted with the warrant, for the purposes set forth therein, totaling \$ \_\_\_\_\_? Should this article be defeated, the operating budget shall be \$ \_\_\_\_\_, which is the same as last year, with certain adjustments required by previous action of the (local political subdivision) or by law or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only."

XII. Voting at the second session shall conform to the procedures for the non-partisan ballot system as set forth in RSA 669:19-29, RSA 670:5-7 and RSA 671:20-30, including all requirements pertaining to absentee voting, polling place, and polling hours.

XIII. Approval of all warrant articles shall be by simple majority except for questions which require a 2/3 vote by law, contract or written agreement.

XIV. Votes taken at the second session shall be subject to recount under RSA 669:30-33

and RSA 40:4-c.

XV. Votes taken at the second session shall not be reconsidered except by warrant article at a subsequent annual or special meeting.

XVI. The warrant for any special meeting shall prescribe the date, place and hour for both a first and second session. The second session shall be warned for a date not fewer than 28 days nor more than 60 days following the first session. The first and second sessions shall conform to the provisions of this subdivision pertaining to the first and second sessions of annual meetings. Special meetings shall be subject to RSA 31:5, 39:3, 195:13, 197:2, and 197:3, provided that no more than one special meeting may be held to raise and appropriate money in any one calendar year or fiscal year, whichever applies. Any special meeting held pursuant to paragraphs X and XI shall not be counted toward the number of special meetings which may be held in a given calendar or fiscal year.

#### 40:14 Method of Adopting Official Ballot Referendum Form of Meeting.

I. This subdivision may be adopted by any local political subdivision as defined in RSA 40:12. A 3/5 vote of those voting shall be required to adopt this subdivision.

II. Adoption of this subdivision shall be deemed to constitute a vote to conduct the election of town officers by official ballot under RSA 669:14.

III. The local political subdivision shall place the question on the warrant of the annual meeting under the procedures set out in RSA 39:3 or RSA 197:6, and the question shall be voted on by official ballot in accordance with the procedures established in RSA 669:19-29, RSA 670:5-7 and RSA 671:20-30, including all requirements pertaining to absentee voting, polling places, and polling hours.

IV. A public hearing shall be held by the local governing body on the question at least 15 days, but not more than 30 days, before the question is to be voted on. In multi-town districts, a public hearing shall be held in each town embraced by the district, none of which shall be held on the same day. Notice of the hearing shall be posted in at least 2 public places in the town and at least 2 public places in each town of multi-town districts, and published in a newspaper of general circulation at least 7 days prior to the date of the hearing.

V. The wording of the question shall be: "Shall we adopt the provisions of RSA 40:13 to allow official ballot voting on all issues before the (local political subdivision)?"

VI. If 3/5 of those voting on the question vote "yes," RSA 40:13 shall apply within the local political subdivision at the annual or special meeting next following.

VII. Any local political subdivision which has adopted RSA 40:13 may consider rescinding its action in the manner described in RSA 40:13, III-VI. The wording of the question shall be: "Shall the provisions for voting by official ballot on all issues before the (local political subdivision) under RSA 40:13 be limited to election of officers and certain other questions?" A 3/5 vote of those voting shall be required to rescind the provisions of this subdivision, except in the case of repeal by charter enactment under RSA 49-D.

VIII. For any town which has adopted a charter under RSA 49-D:3, the method of adoption shall be the manner of amending the charter as provided under RSA 49-B.

IX. In the event that an alternative method for the adoption of official ballot voting exists under the laws of this state, then once the requirements are met for inclusion of the question on the warrant for annual meeting of whether to adopt this subdivision, neither the governing body nor the legislative body shall commence action to adopt official ballot voting through such alternative method until a final vote is taken on the warrant article. If procedures have been initiated to adopt official ballot voting under an alternative law of this state, then neither the governing body nor the legislative body shall commence action to adopt this subdivision until such alternative procedures are exhausted.

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill enables any local political subdivision of the state, whose legislative body raises and appropriates funds through an annual meeting, to use the official ballot for voting on all warrant articles.

Rep. Behrens spoke in favor and yielded to questions.

Adopted.

Rep. Sabella spoke against and yielded to questions.

Rep. Coes spoke in favor and yielded to questions.

Rep. Melcher spoke against.

Rep. Linda Foster spoke in favor.

Rep. Hurst requested a roll call; sufficiently seconded. The question being the adoption of the Majority report.

## YEAS 236 - NAYS 106

### YEAS 236

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Dewhirst, Glenn	Holbrook, Robert
Johnson, James	Laflam, Robert	Lawton, David	Lawton, Robert
Rice, Thomas, Jr.	Rosen, Ralph	Smith, Linda	Thomas, John
Turner, Robert	Wendelboe, Francine	Ziegra, Alice	

#### CARROLL

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
Mock, Henry	Patten, Betsey		

#### CHESHIRE

Avery, Stephen	Cole, Stacey	Delano, Robert	Feuer, Joseph
Hunt, John	Kingsbury, H. Thayer	Laurent, John	McGuirk, Paul
McNamara, Wanda	Metzger, Katherine	Royce, H. Charles	Steere, Myron, III
Wollner, Robert			

#### COOS

Coulombe, Yvonne	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	St. Hilaire, Paul		

#### GRAFTON

Adams, Carl	Bean, Pamela	Brown, Alson	Chase, Paul, Jr.
Cobbin, Philip	Connolly, Steven	Eaton, Stephanie	Guaraldi, Lawrence
Hill, Richard	MacNeil, Allen	Phinney, William	Scanlan, David
Teschner, Douglass	Trelfa, Richard	Tucker, John	

#### HILLSBOROUGH

Aksten, Cheryl	Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.
Asselin, Robert	Barry, Janet	Bergeron, Normand	Boutin, David
Bridgewater, Charles	Brundige, Robert	Burke, M. Virginia	Calawa, Leon, Jr.
Cepaitis, Elizabeth	Chabot, Robert	Champagne, Norma	Clegg, Robert, Jr.
Daniels, Gary	Desmarais, Vivian	Desrosiers, William	Dodge, Emma
Dyer, Merton	Dykstra, Leona	Emerton, Lawrence, Sr.	Feng, David
Fenton, James	Fields, Dennis	Foster, Linda	Francoeur, Gary
Gagnon, Eugene	Gibson, John	Gotham, Rita	Goulet, Maurice
Haettenschwiller, Alphonse	Hallyburton, Margaret	Hart, Nick	Holley, Sylvia
Holt, Mark	Hunter, Bruce	Jean, Loren	Johnson, Lionel
Kane, Laura	Krochmal, Mark	L'Heureux, Robert	Laughlin, J. Francis
Legacy, Earl	Letendre, Evelyn	Luebker, Bernard	MacGillivray, Jeffrey
MacIntyre, Doris	Marcinkowski, Michael	McCarty, Winston	McMahon, Donald
McRae, Karen	Mercer, Robert	Messier, Irene	Milligan, Robert
Mittelman, David	Moncrief, Keith	O'Hearn, Jane	Packard, Bonnie
Pappas, Marc	Pepino, Leo	Sallada, Roland	Sargent, Maxwell
Searles, Stanley, Sr.	Showerman, Peter	Streeter, Janice	Sullens, Joan
Taylor, Paul	Thulander, O. Alan	Turgeon, Roland	White, Donald
Worthen, Dorothy	Wright, George		

#### MERRIMACK

Adams, Stephen	Barberia, Richard	Brown, Mary	Buessing, Marjorie
Chandler, Earle	Chandler, John	Crowell, Peter	Daneault, Gabriel

Jacobson, Alf  
MacKay, James  
Pfaff, Terence  
Whittemore, James

Kennedy, Richard  
Morrill, Olive  
Pitman, Mary Ellen

Lamach, Bernard  
Nichols, Avis  
Varsalone, Robert

Lockwood, Robert  
Patenaude, Amy  
Warner, Richard

### ROCKINGHAM

Abbott, Dennis  
Battles, Marjorie  
Boucher, William  
Coes, Betsy  
Dodge, Robert  
Dunham, Vivian  
Gleason, John  
Henderson, Warren  
Klemm, Arthur, Jr.  
Magoon, Harold  
Morris, Debbie  
Pratt, Katharin  
Senter, Merilyn  
Syracusa, Anthony  
Weyler, Kenneth

Aranda, M. Kathryn  
Beaulieu, Jon  
Camm, Kevin  
Conroy, Janet  
Dowd, Sandra  
Fesh, Robert  
Goddard, Warren  
Hurst, Sharleene  
Kobel, Rudolph  
Malcolm, Ken  
Nowe, Ronald  
Putnam, Ed, II  
Simmons, John Anthony  
Tufts, J. Arthur  
Yennaco, Carol

Arndt, Janet  
Belanger, Ronald  
Carson, Gregory  
Cornell, A. Jefferson  
Dowling, Patricia  
Flanders, John, Sr.  
Gorman, Donald  
Katsakiores, George  
Lovejoy, Marian  
McCarthy, John, Jr.  
Noyes, Richard  
Raynowska, Bernard  
Smith, Arthur  
Weare, Everett

Altar, Kevin  
Bishop, Franklin  
Christie, Andrew, Jr.  
Cote, Patricia  
Dube, LeRoy  
Gage, Beverly  
Hawkins, Robert  
Katsakiores, Phyllis  
Lupien, James  
McKinney, Betsy  
Packard, Sherman  
Rubin, George  
Stritch, C. Donald  
Welch, David

### STRAFFORD

Brown, George  
Knowles, William  
Reynolds, Charles  
Torr, Ann  
Williams, Howard

Brown, Julie  
McKinley, Robert  
Snyder, Clair  
Torr, Franklin

Douglass, Clyde  
Musler, George  
Spear, Barbara  
Vincent, Francis

Hanlon, Mark  
Nehring, William  
Steadman, Frederick  
Wasson, Richard

### SULLIVAN

Behrens, Thomas  
Peyron, Fredrik

Cloutier, John  
Scott, Robert

Lindblade, Eric  
Whipple, Allen

Palmer, Lorraine

### NAYS 106

### BELKNAP

Hurt, George

### CARROLL

Philbrick, Donald

### CHESHIRE

Champagne, Richard  
Pratt, Irene

DePecol, Benjamin  
Richardson, Barbara

Doucette, Richard  
Riley, William

Manning, Joseph  
Robertson, Timothy

### COOS

Bradley, Paula  
Mayhew, Josephine

Coulombe, Henry  
Mears, Edgar

Davis, Perley

Hawkinson, Marie

### GRAFTON

Crory, Elizabeth  
Lovett, Sidney

Ham, Bonnie  
Mirski, Paul

LaMott, Paul

Larson, Nils, Jr.

### HILLSBOROUGH

Ahern, Richard  
Buckley, Raymond  
Durham, Susan  
Hall, Betty

Allen, W. Gordon  
Clemons, Jane  
Dwyer, Paul, Sr.  
Hansen, Herbert

Baroody, Benjamin  
Cote, David  
Ferguson, Charles  
Holden, Carol

Belvin, William  
Dokmo, Cynthia  
Franks, Suzan  
Hussey, Mary



Jean, Claudette  
Lozeau, Donnalee  
Reidy, Frank  
Wheeler, Craig

Kirby, Thomas  
Martin, Mary  
Soucy, Donna  
Wheeler, Robert

Kurk, Neal  
Melcher, Harold  
Soucy, Richard  
White, John

Lefebvre, Roland  
O'Rourke, Joanne  
Toomey, Kathryn

### MERRIMACK

Chandler, Charles  
Dunn, Miriam  
Moore, Carol  
Trombly, Rick

Coughlin, Anne  
Feuerstein, Martin  
Newland, Matthew  
Wallner, Mary Jane

Crosby, Toni  
Fraser, Marilyn  
Owen, Derek  
Whalley, Michael

DeStefano, Stephen  
Hess, David  
Rogers, Katherine  
Yeaton, Charles

### ROCKINGHAM

Clark, Martha  
Kelley, Jane  
Richards, David  
Sytek, Donna

Flanagan, Natalie  
Kruse, Fred  
Ross, James  
Sytek, John

Haynes, Richard  
Langley, Jane  
Sabella, Norma  
Vaughn, Charles

Johnson, Robert  
McGovern, Cynthia  
Scanlon, Edward

### STRAFFORD

Berube, Roger  
Hambrick, Patricia  
Loder, Suzanne  
Pelletier, Arthur

Callaghan, Frank  
Hemon, Roland  
Lundborn, Raymond  
Sullivan, Henry

DeChane, Marlene  
Hilliard, Dana  
Merrill, Amanda  
Tessimond, Shane

Grassie, Anne  
Keans, Sandra  
Merritt, Deborah  
Wall, Janet

### SULLIVAN

Adler, Rudolf  
Schotanus, Merle

Allison, David  
Stettenheim, Sandy

Flint, Gordon

Krueger, Richard

and the report was adopted.

Ordered to third reading.

Rep. Russell did not vote and intended to vote nay.

### RECONSIDERATION

Having voted with the prevailing side, Rep. Hurst moved that the House reconsider its action whereby it passed **SB 2**, enabling towns, village districts, and school districts to use the official ballot for voting on all warrant articles.

Reconsideration lost.

### REGULAR CALENDAR (Cont'd.)

**SB 104-FN**, allowing a liquor license and establishing a license fee for a billiards/pool hall. **OUGHT TO PASS**

Rep. Betsy McKinney for Regulated Revenues: This bill establishes a new license for billiards/pool halls. Currently to serve liquor a billiards parlor must have a lounge license which has minimum food sale requirements. By creating this license we will treat billiards and pool parlors the same as we now license bowling and golf facilities. Vote 13-3.

Adopted and referred to Finance.

**SB 127-FN**, relative to licenses and fees for beverage manufacturers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leona Dykstra for Regulated Revenues: The majority of the committee supports changes in license fees for beverage manufacturers, vendors and vendor importers to encourage business and create fairness and equity in the licensing fees. Vote 9-6.

### Amendment (2321L)

Amend the bill by replacing section 1 with the following:

1 License Fees Changed. RSA 178:27, III(a)-(c) are repealed and reenacted to read as follows:

(a) Beverage manufacturer license:

(1) \$500 for producers of 5,000 barrels or less.

(2) \$1,000 for producers of more than 5,000 and less than 25,000 barrels.

(3) \$2,500 for producers of 25,000 barrels or more.

(b) Beverage vendor license, for each manufacturer whose beverages are sold or offered for sale in New Hampshire:

(1) \$1,500 for vendors of 5,000 barrels and less.

(2) \$2,250 for vendors of more than 5,000 and less than 25,000 barrels.

(3) \$3,000 for vendors of 25,000 barrels or more.

(c) Beverage vendor importer license, for each manufacturer whose beverages are sold or offered for sale in New Hampshire:

(1) \$1,500 for vendors of 5,000 barrels and less.

(2) \$2,250 for vendors of more than 5,000 and less than 25,000 barrels.

(3) \$3,000 for vendors of 25,000 barrels or more.

#### AMENDED ANALYSIS

This bill creates a sliding scale of fees for beverage manufacturers licenses, beverage vendors licenses, and beverage vendor importers licenses based on the number of barrels produced by the manufacturer.

Adopted.

Rep. McKinney spoke against.

The report failed.

Rep. McKinney moved Re-refer to Committee and spoke in favor.

Adopted.

**SB 91-FN**, increasing the entrance fee at Odiorne Point state park in Rye, New Hampshire to support the Seacoast Science Center. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Reps. Janet M. Conroy and Deborah F. Merritt for the Majority of Resources, Recreation and Development: The majority of the Committee believes an increase in the entrance fee to Odiorne State Park is appropriate to make up a shortfall created by a decrease in the general fund appropriation and UNH Cooperative Extension funding. The fee will be used to support the Seacoast Science Center, a project created by the State in cooperation with various environmental groups. A study conducted by the Center shows that 93% of visitors use the Center. For those who do not wish to pay the fee, other access to the water is close by. For those under financial hardship, local communities have passes available at no charge for public use. The use of the Center by school children will be unaffected by this bill. Vote 10-6.

Rep. Amy Patenaude for the Minority of Resources, Recreation and Development: In the opinion of the minority, SB 91 should be voted inexpedient to legislate for the following reasons: (1) Collecting an additional fee at the gate to subsidize the Science Center would create hardship on those families of modest means. A family of four would be required to pay \$14.00 every time they visit the park, regardless of whether or not they visit the Science Center. This bill increases the cost of admission to Odiorne Point State Park by 40%. (2) Adding an additional charge for all visitors at the gate is not a "user fee" per se but in fact amounts to a hidden tax. (3) Proponents did not demonstrate a clear need for additional funds nor were any proposals presented that addressed potential operating efficiencies. Most of the minority's concerns could be resolved by simply collecting a minimal admission fee from park visitors who choose to visit the Science Center.

#### Amendment (2287L)

Amend section 2 of the bill by inserting after paragraph II the following new paragraph:

III. The executive director of the center shall submit a complete financial statement on an annual basis, to the commissioner of the department of resources and economic development. The first report shall be submitted no later than September 1, 1996.

Adopted.

Rep. Goddard spoke against.

Reps. Fuller-Clark, Dickinson and Conroy spoke in favor and yielded to questions.

Rep. Patenaude spoke against and yielded to questions.

Rep. Goddard requested a roll call; sufficiently seconded. The question being the adoption of the Majority report.

**YEAS 167 - NAYS 170****YEAS 167****BELKNAP**

Bartlett, Gordon  
Ziegler, Alice

Holbrook, Robert

Rosen, Ralph

Smith, Linda

**CARROLL**

Bradley, Jeb  
Howard, Godfrey

Chandler, Gene

Cooper, Kipp

Dickinson, Howard, Jr.

**CHESHIRE**

Cole, Stacey  
Kingsbury, H. Thayer  
Riley, William  
Wollner, Robert

Delano, Robert  
Manning, Joseph  
Robertson, Timothy

Feuer, Joseph  
Pratt, Irene  
Royce, H. Charles

Hunt, John  
Richardson, Barbara  
Russell, Ronald

**COOS**

Bradley, Paula  
Mayhew, Josephine

Guay, Lawrence  
Mears, Edgar

Hawkinson, Marie  
Pratt, Leighton

Horton, Lynn

**GRAFTON**

Bean, Pamela  
Hill, Richard  
Teschner, Douglass

Brown, Channing  
Larson, Nils, Jr.  
Trelfa, Richard

Connolly, Steven  
MacNeil, Allen

Eaton, Stephanie  
Scanlan, David

**HILLSBOROUGH**

Allen, W. Gordon  
Buckley, Raymond  
Champagne, Norma  
Durham, Susan  
Foster, Linda  
Hall, Betty  
Hussey, Mary  
Legacy, Earl  
McMahon, Donald  
O'Hearn, Jane  
Sargent, Maxwell  
Taylor, Paul  
Wheeler, Craig

Amidon, Eleanor  
Calawa, Leon, Jr.  
Cote, David  
Dyer, Merton  
Franks, Suzan  
Hallyburton, Margaret  
Johnson, Lionel  
Letendre, Evelyn  
Melcher, Harold  
O'Rourke, Joanne  
Searles, Stanley, Sr.  
Thulander, O. Alan  
Wheeler, Robert

Asselin, Robert  
Cepaitis, Elizabeth  
Desmarais, Vivian  
Emerton, Lawrence, Sr.  
Gagnon, Eugene  
Hart, Nick  
Kane, Laura  
Martin, Mary  
Messier, Irene  
Packard, Bonnie  
Soucy, Donna  
Toomey, Kathryn  
Worthen, Dorothy

Bridgewater, Charles  
Chabot, Robert  
Dokmo, Cynthia  
Fields, Dennis  
Goulet, Maurice  
Hunter, Bruce  
Kirby, Thomas  
McCarty, Winston  
Mittelman, David  
Sallada, Roland  
Streeter, Janice  
Turgeon, Roland

**MERRIMACK**

Chandler, Earle  
Crowell, Peter  
Jacobson, Alf  
Trombly, Rick

Chandler, John  
Daneault, Gabriel  
Owen, Derek  
Wallner, Mary Jane

Coughlin, Anne  
Feuerstein, Martin  
Pfaff, Terence  
Whittemore, James

Crosby, Toni  
Fraser, Marilyn  
Rogers, Katherine  
Yeaton, Charles

**ROCKINGHAM**

Aranda, M. Kathryn  
Coes, Betsy  
Flanders, John, Sr.  
Johnson, Robert  
Kruse, Fred  
Packard, Sherman  
Simmons, John Anthony  
Welch, David

Carson, Gregory  
Conroy, Janet  
Gleason, John  
Katsakiores, George  
Langley, Jane  
Pratt, Katharin  
Stritch, C. Donald  
Yennaco, Carol

Christie, Andrew, Jr.  
Dowd, Sandra  
Hawkins, Robert  
Kelley, Jane  
McCarthy, John, Jr.  
Rubin, George  
Syracusa, Anthony

Clark, Martha  
Flanagan, Natalie  
Hurst, Sharleene  
Klemm, Arthur, Jr.  
McGovern, Cynthia  
Sabella, Norma  
Vaughn, Charles

**STRAFFORD**

Brown, George  
Hambrick, Patricia  
Knowles, William  
Merrill, Amanda  
Snyder, Clair  
Torr, Ann

Brown, Julie  
Hanlon, Mark  
Loder, Suzanne  
Merritt, Deborah  
Spear, Barbara  
Torr, Franklin

DeChane, Marlene  
Hemon, Roland  
Lundborn, Raymond  
Nehring, William  
Sullivan, Henry

Grassie, Anne  
Keans, Sandra  
McKinley, Robert  
Pelletier, Arthur  
Tessimond, Shane

**SULLIVAN**

Allison, David  
Palmer, Lorraine

Behrens, Thomas  
Peyron, Fredrik

Cloutier, John  
Schotanus, Merle

Lindblade, Eric  
Stettenheim, Sandy

**NAYS 170****BELKNAP**

Boriso, Thomas  
Lafiam, Robert  
Thomas, John

Dewhirst, Glenn  
Lawton, David  
Turner, Robert

Hurt, George  
Lawton, Robert  
Wendelboe, Francine

Johnson, James  
Rice, Thomas, Jr.

**CARROLL**

Sabson, David, Jr.  
Patten, Betsey

Kenney, Joseph

Lyman, L. Randy

Mock, Henry

**CHESHIRE**

Avery, Stephen  
Laurent, John  
Steere, Myron, III

Champagne, Richard  
McGuirk, Paul

DePecol, Benjamin  
McNamara, Wanda

Doucette, Richard  
Metzger, Katherine

**COOS**

Coulombe, Henry  
St. Hilaire, Paul

Coulombe, Yvonne

Davis, Perley

Merrill, Gerald

**GRAFTON**

Adams, Carl  
Crory, Elizabeth  
Lovett, Sidney

Brown, Alson  
Guaraldi, Lawrence  
Mirski, Paul

Chase, Paul, Jr.  
Ham, Bonnie  
Phinney, William

Cobbin, Philip  
LaMott, Paul  
Tucker, John

**HILLSBOROUGH**

Ahern, Richard  
Baroody, Benjamin  
Boutin, David  
Clemons, Jane  
Dwyer, Paul, Sr.  
Ferguson, Charles  
Haettenschwiller, Alphonse  
Holt, Mark  
Kurk, Neal  
Luebkert, Bernard  
McCarthy, William  
Moncrief, Keith  
Showerman, Peter  
White, John

Aksten, Cheryl  
Barry, Janet  
Brundige, Robert  
Daniels, Gary  
Dykstra, Leona  
Francoeur, Gary  
Hansen, Herbert  
Jean, Claudette  
L'Heureux, Robert  
MacGillivray, Jeffrey  
McRae, Karen  
Pappas, Marc  
Soucy, Richard  
Wright, George

Alukonis, David  
Belvin, William  
Burke, M. Virginia  
Desrosiers, William  
Feng, David  
Gibson, John  
Holden, Carol  
Jean, Loren  
Laughlin, J. Francis  
MacIntyre, Doris  
Mercer, Robert  
Pepino, Leo  
Sullens, Joan

Arnold, Thomas, Jr.  
Bergeron, Normand  
Clegg, Robert, Jr.  
Dodge, Emma  
Fenton, James  
Gotham, Rita  
Holley, Sylvia  
Krochmal, Mark  
Lozeau, Donnalee  
Marcinkowski, Michael  
Milligan, Robert  
Reidy, Frank  
White, Donald

**MERRIMACK**

Adams, Stephen  
Chandler, Charles  
Kennedy, Richard  
Newland, Matthew  
Varsalona, Robert

Barberia, Richard  
DeStefano, Stephen  
Lamach, Bernard  
Nichols, Avis  
Whalley, Michael

Brown, Mary  
Dunn, Miriam  
Lockwood, Robert  
Patenaude, Amy

Buessing, Marjorie  
Hess, David  
Morrill, Olive  
Pitman, Mary Ellen

**ROCKINGHAM**

Abbott, Dennis	Attar, Kevin	Battles, Marjorie	Beaulieu, Jon
Belanger, Ronald	Bishop, Franklin	Boucher, William	Camm, Kevin
Cornell, A. Jefferson	Cote, Patricia	Dodge, Robert	Dowling, Patricia
Dube, LeRoy	Dunham, Vivian	Fesh, Robert	Gage, Beverly
Goddard, Warren	Gorman, Donald	Haynes, Richard	Henderson, Warren
Katsakiores, Phyllis	Kobel, Rudolph	Lovejoy, Marian	Magoon, Harold
Malcolm, Ken	McKinney, Betsy	Morris, Debbie	Nowe, Ronald
Noyes, Richard	Putnam, Ed, II	Raynowska, Bernard	Richards, David
Ross, James	Scanlon, Edward	Senter, Marilyn	Smith, Arthur
Sytek, Donna	Sytek, John	Tufts, J. Arthur	Weare, Everett
Weyler, Kenneth			

**STRAFFORD**

Berube, Roger	Callaghan, Frank	Douglass, Clyde	Hilliard, Dana
Reynolds, Charles	Steadman, Frederick	Vincent, Francis	Wall, Janet
Wasson, Richard	Williams, Howard		

**SULLIVAN**

Adler, Rudolf	Flint, Gordon	Krueger, Richard	Scott, Robert
Whipple, Allen			

and the report failed.

Rep. Kurk moved Inexpedient to Legislate.

**LAID ON THE TABLE**

Rep. Trombly moved that **SB 91-FN**, increasing the entrance fee at Odiorne Point state park in Rye, New Hampshire to support the Seacoast Science Center, be laid on the table and spoke in favor.

On a division vote, 182 members having voted in the affirmative and 154 in the negative, the motion was adopted.

**REGULAR CALENDAR (Cont'd.)**

**SB 168-FN-A**, establishing a task force to examine issues related to retail wheeling and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Reps. Jeb E. Bradley, Lawrence J. Guay and Clifton C. Below for Science, Technology and Energy: Passage of this bill will create a task force which will continue to explore the issues involved with electric utility regulation. The committee shall report on its findings and legislative recommendations by November 1. Additionally, this bill authorizes the Public Utilities Commission to establish procedures for economic development and retention rates which will allow utilities to file lower industrial rates if the utilities choose to do so. Language at the end of this section prevents rate recovery from other ratepayers unless and until the Public Utilities Commission determines any recovery is equitable to other ratepayers and in the public interest. The committee heard persuasive testimony that such retention and development rates are critical to maintaining New Hampshire's economic health. The Public Utilities Commission shall open a docket on natural gas rates in order to maintain parity with electric rates. Further this legislation authorizes the Public Utilities Commission to establish a pilot program for retail access to alternative sources of electricity other than that supplied by the franchised utility. Such authorization begins January 1, 1996. For a pilot program to occur, the Public Utilities Commission must determine it is fair, constitutional, lawful, and in the public interest. Vote 18-1.

**Amendment (2345L)**

Amend the title of the bill by replacing it with the following:

**AN ACT**

requiring the public utilities commission to establish a procedure relative to economic development and retention rates, establishing a committee relative to retail wheeling and electric utility industry restructuring and making an appropriation therefor

from certain assessments and authorizing the establishment of a pilot program allowing the competitive retail purchase of electricity.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings.

I. The general court finds that the business of generating, transmitting and selling electricity for ultimate distribution to consumers within the state of New Hampshire is a matter of public interest, and that reasonable, competitive electricity prices are necessary to promote the public health, safety, and economic welfare. Compared with consumers in other states, New Hampshire electricity consumers pay significantly higher electricity prices, creating economic dislocations and hardships, including loss of jobs. If continued, the present de facto negotiation of special case rate reductions for large electricity consumers increases the pressure for an ultimate cost shift to smaller consumers. The general court also finds that retail wheeling may provide a basis for determination of electricity price levels that relies to a greater extent upon competition than upon regulation. There are no apparent insurmountable technical barriers to the establishment of retail wheeling in New Hampshire.

II. The general court further finds that New Hampshire's economy may be further handicapped if it lags behind other states in considering retail wheeling. While retail wheeling appears to be a highly desirable electricity market paradigm, there are significant uncertainties, some unique to New Hampshire, that must be taken into account when determining a state policy for retail wheeling. Therefore, it is the purpose of this act to provide sufficient information to legislators so that they may make recommendations to the general court regarding legislation for the 1996 session.

III. The general court further finds that New Hampshire's economy may also benefit from studying the effectiveness of the current system of regulation of electric utilities, investigating alternative forms of service, and studying ways of restructuring the electric utility industry.

2 Retail Wheeling and Restructuring Committee Established; Members. There is hereby established a committee to review and study the issues of retail wheeling and potential restructuring of the electric utility industry in New Hampshire. The members of the committee shall be as follows:

I. At least 5 but not more than 9 senators, appointed by the president of the senate, at least one of whom shall be a member of the minority party. The president shall first consider for appointment the senators currently appointed to the public utilities commission roundtable on competition in the electric industry.

II. Nine house members, appointed by the speaker of the house, at least two of whom shall be a member of a minority party. The speaker shall first consider for appointment the house members currently appointed to the public utilities commission roundtable on competition in the electric industry.

3 Retail Wheeling Defined. For the purposes of this act "retail wheeling" or "direct access" means a commercial transaction arrangement by which a retail electricity consumer contracts with a remote electric supplier to transmit energy through the electrical distribution system of the local utility to which the customer is connected. The local utility physically continues to provide electric service to the retail consumer, who pays the local utility a regulated fee for the retail wheeling and distribution services provided, and who pays the remote supplier for the electricity in an unregulated market.

4 Duties.

I. The committee shall be responsible for the following:

(a) Soliciting information and the viewpoints of all affected and involved parties which shall include but not be limited to:

- (1) The public utilities commission.
- (2) Large and small utilities.
- (3) Independent power producers.
- (4) Large business electricity consumers.
- (5) Small business electricity consumers.
- (6) Residential consumers.
- (7) Legislators.
- (8) Regulatory personnel from states having enacted or contemplating retail wheeling

legislation.

(b) Retaining an expert consultant to assist in gathering, interpreting, and summarizing information for presentation in forms usable to all members of the house and senate and to the citizens of New Hampshire to be selected by members of the committee.

(c) Reviewing regulatory pricing mechanisms for the unbundled costs of necessary transmission and distribution.

(d) Reviewing the potential for the mitigation of cross subsidization among services and classes of consumers.

(e) Reviewing the environmental and conservation related effects of retail wheeling.

(f) Reviewing the reliability of retail wheeling and the impact of retail wheeling on electric service quality, reliability, and adequacy.

(g) Reviewing the regulatory transition plan and timing and sequencing of consumer access to wheeled power.

(h) Reviewing the following relative to retail wheeling:

(1) Power dispatch and the impact on New England Power Pool, (NEPOOL) operations.

(2) Independent power producers and Public Utilities Regulatory Policy Act (PURPA).

(3) Demand side management, integrated resource planning, and least cost planning.

(4) The deferral accounts created in the 1989 rate agreement defined in RSA 362-C:2,

I and the acquisition premium.

(5) Regulatory assets.

(6) Stranded costs recovery, if recoverable, and how and how much.

(7) Economic impact on the state and differing impacts on electricity consumers by class.

(8) Social costs of deregulation and the fate of present low-income subsidies.

(9) Special case reduced rate contracts.

(10) Suggested public utilities commission generic ratemaking and rulemaking, which shall include the unbundling of the transmission, distribution, and generation cost components of present rates.

(11) Property tax and municipal infrastructure assessment issues.

(12) Sources of new capacity.

(13) Federal laws, including laws of the federal Energy Regulatory Commission.

(14) Litigation risks.

(15) Other states' legislation and experience with retail wheeling.

(i) Reviewing the effectiveness of the current system of regulation of electric utilities.

(j) Examining possible alternative forms of regulation and related restructuring of electric utility industry in New Hampshire.

(k) Reviewing public policy issues relating to municipalization.

(l) Reviewing possible interim measures to foster increased competition.

(m) Reviewing economic development and retention rate policy.

II. The committee shall draw upon the final report and information gathered by the public utilities commission roundtable on competition in the electric industry so as to avoid duplication of effort and resources.

5 Administrative Support. The president of the senate and speaker of the house shall ensure that the committee is properly provided with secretarial help, legal counsel, and an administrative assistant.

6 Meetings; Mileage. The first-named senator shall call the first meeting within 30 days of the effective date of this act. The members shall elect a chairperson at the first meeting. Members shall receive legislative mileage.

7 Report. The committee shall submit a interim or final report of its findings, including recommendations for legislation, to the speaker of the house, the senate president, the house clerk, the senate clerk, the governor, and the state library, no later than November 1, 1995.

8 Fund Established. The committee shall establish a fund which shall not exceed \$25,000 to be held by the state treasurer. The fund shall consist of \$25,000 from assessments against the state's electric utilities made by the public utilities commission pursuant to the methodology defined in RSA 363-A:2. The fund shall be used to pay the costs of the consultant as provided in section 4 of this act.

9 New Section; Economic Development and Retention Rates. Amend RSA 378 by inserting after section 11 the following new section:

378:11-a Economic Development and Retention Rates. Notwithstanding any other provision of law to the contrary, the commission shall establish procedures for the review and approval of tariffs for electric service rates that foster economic development and retention of existing load within the state. For the purposes of this section the term "economic development" shall be deemed to include the attraction of new industrial companies to the state, the expansion of existing industrial companies that would otherwise not occur in the state, and the retention of existing industrial companies that would otherwise leave the state. Such procedures shall provide that all electric public utilities serving retail customers may file with the commission generally available rate schedules for the provision of economic development rates and retention rates to industrial customers. Such rates shall take into consideration eligibility criteria, the effect on the utility's fixed and variable costs, the amount of new demand and energy for electric service involved, the effect on employment within the state, material adverse competitive impact on existing in-state firms, and end-user participation in conservation programs and other state established economic development enhancement programs. Such rates shall be provided for a limited period of time. For the purposes of rate making, a utility that adopts an economic development rate or a retention rate shall not be allowed to recover from other ratepayers the difference between the regular tariffed rate and the economic development rate or retention rate unless and only to the extent that the commission determines that it is in the public interest and equitable to other ratepayers.

10 Establishment of Procedure. The commission shall prepare and establish the procedure set out in RSA 378:11-a within 150 days after the effective date of this act.

11 New Section; Pilot Program Authorized. Amend RSA 374 by inserting after section 26 the following new section:

374:26-a Retail Competition Pilot Program. The commission shall establish a pilot program, under such terms and conditions as the commission shall deem appropriate, for the purpose of determining the implications of retail competition in the electric industry, provided that the commission determines that such program is fair, lawful, constitutional, consistent with RSA 378:37 and in the public good. This pilot program shall be open to all franchise areas and to all classes of customers.

12 Natural Gas Economic Development and Retention Rates. Notwithstanding any provision of law to the contrary, following the establishment of the procedures required by RSA 378:11-a, the commission shall initiate a proceeding to consider whether economic development and retention rates are appropriate for the sale and distribution of natural gas and whether the commission should establish procedures for the review and approval of economic development and retention tariffs for the sale and distribution of natural gas, provided that if such procedures are established and are applicable at the option of the natural gas utility, such utility shall not be allowed to recover from other ratepayers the difference between the regular tariffed rate and the economic development rate or retention rate unless and only to the extent that the commission determines that it is in the public interest and equitable to other ratepayers.

13 Report by Public Utilities Commission.

I. The commission shall submit an annual report on or before October 1, for the next 5 years to the general court, the governor, and the consumer advocate.

II. The report shall include but not be limited to the following:

- (a) The number of utilities filing economic development and retention rates.
- (b) The number of customers being served by each utility under those rates.
- (c) The impact of the economic development and retention rates on:
  - (1) The load of each utility;
  - (2) The ratepayers of each utility, and;
  - (3) Participating customers to the extent that it can be determined.

14 Change in Effective Date of HB 192. Amend HB 192 of the 1995 legislative session by replacing section 4 of the bill with the following:

4 Effective Date. This act shall take effect July 1, 1995.

15 Contingency. If HB 192 of the 1995 legislative session becomes law, section 14 of this act shall take effect upon its passage. If HB 192 does not take effect, section 14 of this act shall not take effect.

16 Effective Date.

I. Section 11 of this act shall take effect January 1, 1996.



II. Section 14 of this act shall take effect as provided in section 15 of this act.

III. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a retail wheeling and restructuring committee to examine issues related to retail wheeling. The committee would be required to submit a report no later than November 1, 1995.

This bill establishes a fund which shall not exceed \$25,000, which shall be used to pay the expenses of a consultant as provided in this act.

This bill authorizes the public utilities commission to establish procedures for the review and approval of electric rates that foster economic development within the state.

This bill authorizes the commission to establish a retail competition pilot program to determine the implications of retail competition in the electric industry.

Adopted.

Reps. Jeb Bradley and MacGillivray offered a floor amendment.

### Floor Amendment (2413L)

Amend the bill by replacing section 9 with the following:

9 New Section; Economic Development and Retention Rates. Amend RSA 378 by inserting after section 11 the following new section:

378:11-a Economic Development and Retention Rates. Notwithstanding any other provision of law to the contrary, the commission shall establish procedures for the review and approval of tariffs for electric service rates that foster economic development and retention of existing load within the state. For the purposes of this section the term "economic development" shall be deemed to include the attraction of new industrial companies to the state, the expansion of existing industrial companies that would otherwise not occur in the state, and the retention of existing industrial companies that would otherwise leave the state. Such procedures shall provide that all electric public utilities serving retail customers may file with the commission generally available rate schedules for the provision of economic development rates and retention rates to industrial customers. Such rates shall take into consideration eligibility criteria, the effect on the utility's fixed and variable costs, the amount of new demand and energy for electric service involved, the effect on employment within the state, material adverse competitive impact on existing in-state firms, and end-user participation in conservation programs and other state established economic development enhancement programs. Such rates shall be provided for a limited period of time. To ensure fairness in the application of the retention rate to industrial companies that are not planning to leave the state, if the commission finds that it is in the public good, the retention rate may also be offered to a direct competitor of a company that has qualified for such rate. For the purposes of rate making, a utility that adopts an economic development rate or a retention rate shall not be allowed to recover from other ratepayers the difference between the regular tariffed rate and the economic development rate or retention rate unless and only to the extent that the commission determines that it is in the public interest and equitable to other ratepayers.

Adopted.

Report adopted and referred to Finance.

**SB 163-FN-L**, relative to purchase of prior service credit in the New Hampshire retirement system by employees of political subdivisions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: The bill was introduced to allow a municipal employee to purchase prior service as an employee of the Town of Bristol in the New Hampshire Retirement System. This bill will have no effect upon state finances. The amendment removes the Senate amendment which would allow the board of trustees to waive the requirement that prior service be purchased within one year. The committee feels that request for waivers should come before the legislature as they do now. Vote II-0.

### Amendment (2246L)

Amend the title of the bill by replacing it with the following:

## AN ACT

allowing an employee of the town of Bristol to buy back time in the New Hampshire retirement system.

Amend the bill by replacing section 1 with the following:

1 Creditable Service. The provisions of this act shall apply, notwithstanding any other provision of law to the contrary. Jacquilyn A. Crouse, an employee of the town of Bristol, New Hampshire, is authorized to purchase her years of prior service as an employee of the town of Bristol, and the years of prior service which are purchased shall be counted as creditable service in the New Hampshire retirement system.

## AMENDED ANALYSIS

This bill authorizes an employee of the town of Bristol to purchase her years of prior service as a town employee as creditable service in the New Hampshire retirement system.

Rep. Dyer yielded to questions.

Adopted.

Report adopted and referred to Finance.

Rep. DeChane declared a conflict of interest and did not participate.

**SB 11-L**, relative to the application of local land use regulations to governmental units. **DOUGHT TO PASS**

Rep. Robert W. Brundige for Municipal and County Government: The committee felt this bill will give local communities (at least) knowledge of and input to projects proposed by governmental agencies. Contained in this legislation are override provisions by which a governmental authority may be allowed to proceed if in fact denied permission by a local land use board. Vote 17-0.

Rep. Behrens spoke against.

The report failed.

Rep. Behrens moved Re-refer to Committee and spoke in favor.

Adopted.

## RECONSIDERATION

Having voted with the prevailing side, Rep. DeStefano moved that the House reconsider its action whereby it adopted the Committee Report of Inexpedient to Legislate on **CACR 17**, relating to term limits for federal and state representatives and senators. Providing that the terms of office for the members of the United States Congress from New Hampshire shall be limited to 12 consecutive years, so long as such restriction does not violate the United States Constitution, and the terms for the members of the New Hampshire house and senate shall be limited to 12 consecutive years and spoke in favor.

Rep. Charles Chandler spoke against and yielded to questions.

Reconsideration lost.

## RESOLUTION

Rep. David Scanlan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, May 9, 1995 at 1:00 p.m.

Adopted.

## LATE SESSION

## Third reading and final passage

**SB 137-FN**, creating an interstate insurance receivership compact.

**SB 53**, establishing a committee to study issues relative to real estate appraisers.

**SB 82**, relative to appointments to state boards and commissions.

**SB 158-FN**, requiring a waiting period for applicants for public assistance who terminate their employment voluntarily without a good cause.

**SB 21**, relative to extending involuntary admissions and guardianships.

**SB 146-FN-A**, relative to court procedures and clarifying that certain payments to guardians ad litem shall be made by the state and making an appropriation therefor.

**SB 154-FN-L**, relative to the appointment, powers and duties of medical examiners and to the authority of the chief medical examiner.

**SB 67**, relative to the recording of plats and relative to the power to review site plans.

**SB 20**, relative to the maintenance and replacement of vegetation located on highway rights-of-way obstructing advertising devices.

**SB 99**, requiring the international accessibility symbol to be added to the special number plates issued to certain veterans.

**SB 87-FN**, relative to the business finance authority.

**SB 81**, clarifying the department of environmental services authority to levy administrative fines.

**SB 54**, relative to lead paint.

**SB 2-L**, enabling towns, village districts, and school districts to use the official ballot for voting on all warrant articles.

### UNANIMOUS CONSENT

Rep. Hurst addressed the House.

Rep. Pepino addressed the House.

Rep. Kennedy moved that the remarks of Rep. Pepino be printed in the Journal.

Adopted.

Rep. Pepino: Mr. Speaker, Ladies and gentlemen: This is a very hard speech for me to make. I stand before you to address a subject of great importance to all of us. The subject was not brought to light until an Associated Press article appeared in the April 29th issue of the Union Leader. For six years, many members of this body have worked very closely with the Department of Safety to implement the instant check law to purchase a firearm. We received a federal grant, I believe it was three or four years ago, of almost \$500,000. These federal funds had to be used to set up a data base for felons and criminals, including domestic violence. There were laws passed by this House to implement the instant check which went into effect January 1st of this year. We try our best to improve legislation. This House and the Senate scrutinizes and approves the laws and departments write the rules with approval by the (Administrative) Rules Committee. We do our best for the state's needs. The instant check law was introduced to comply with the federal law which was the Brady bill and the crime bill.

Citizens of New Hampshire are not always aware of new laws. But, I would expect our court system to understand laws they have to interpret and enforce. We have a right to expect those that make up our justice system to understand the new laws. According to the Associated Press article in the April 29th issue of the Union Leader, the administrators of our court system did not understand the full meaning of the instant check; the specific part that deals with domestic violence petitions that shall be submitted to the Department of Safety's data base. It took four months for this rule to be implemented; four months for the court administrators to be aware of this law. It would seem that if the press had not called attention to the fact, the court system would still be misinterpreting the law. It makes one wonder how many domestic violence petitions have not been entered in the data base. The article in the paper states about 1500.

I have seen some of these battered women - cuts, bruises, black eyes, beaten faces - and some things you can't see. The beaten woman feels once she gets her petition in hand she is safe, but we know that isn't so. That could be the reason that federal law says domestic violence petitions must be entered into our data base to prevent the sale of firearms to individuals who have domestic violence petitions served against them. Thank you. I hated to make this speech, but it had to be said after it was in the paper on Friday and Saturday. When our court system doesn't know what is going on for four months and you read it in the paper and they say, "Yes," and it took many meetings to make them understand this, this bothers me because it was my bill that was walked all over.

Rep. Donald White addressed the House.

Rep. Gagnon moved that the remarks of Rep. Donald White be printed in the Journal.

Adopted.

Rep. Donald White: Thank you Mr. Speaker. I come before this body because I need your help. It's not for me, but to help me try to send a message to the future.

The unspeakable event in Oklahoma City and subsequent tragedies have driven from the news the murder of a unique human being, a twelve-year-old boy in Pakistan.

On April 17th, two days before the savagery in Oklahoma, this boy was shot to death because he represented the ultimate in the battle of good-versus-evil. And evil responded out of fear and hatred. The innocence and truth he represented could not be allowed to survive.

Sold as a slave at the age of four, he spent six years literally bound to a loom to make rugs for what surely are persons completely devoid of any human instincts. People who murder. He was neither cared for nor taught; no walks with his father, no games, no toys. Never a soft word or caress from his mother. He knew no kindness, no caring, no learning, living only as an isolated apparatus, part of a machine. But there was spirit. A spirit we cannot see or even begin to visualize. A spirit overpowering in effect, but compact enough for that small body. The spirit prevailed. The boy, freed at 10, spoke to the world describing the plight of other children trapped in slavery. How he was able to articulate so well this horror, I believe can only be explained by a power greater than that possessed by mere human beings. It is inconceivable that someone, a mere child, so disadvantaged and cruelly used could rise and speak so clearly for sanity and for caring.

I will talk of him to my grandchildren so they may know his spirit. I hope you will speak of him, too, to your children and grandchildren. This story, passed along to new generations may somehow, someday, lead to a world that must learn to stop killing its children. Who better than a child to show us how. A child who could speak for and be understood by all children everywhere.

Iqbal Masih, this boy of Pakistan, born into poverty, left without a future, understood better than we the words of General Stark, "Live Free or Die." Iqbal Masih - help me so that he will be remembered.

I hesitated saying this today but we have people here of wide experience who have children and have grandchildren. I thought you would understand and perhaps, just a little bit, this little fellow will help a lot of children in the future.

Thank you for your patience. Thank you Mr. Speaker.

Rep. Trombly addressed the House.

Rep. Jeb Bradley moved that the remarks made by Rep. Trombly be printed in the Journal. Adopted.

Rep. Trombly: Thank you Mr. Speaker. Members of the House, last Tuesday I was unable to be here when this body honored one of our own, Rep. Charlie Vaughn, someone whose honor and valor is unquestioned in service to his country. I apologize, Charlie, for not being able to be here to join in that resolution. I don't want to be silent to that issue or something else that is important to me.

As I was growing, up some of the favorite stories I used to listen to from my parents were those issues that were related to me in terms of what sacrifices they had to make during the war when they were young. One of my favorite stories is that my father tells me how that at one time he was in White Park in Concord hanging from a tree; knowing him probably upside down. All of a sudden, he heard fire horns and whistles and cars honking. He ran down to the main street and spontaneously people joined him from their houses. People left businesses and they joined in a parade down Main Street, celebrating, cheering and clapping, for the war, the great war, had ended in Europe. He didn't quite understand the significance of what was happening, but he joined in that celebration.

My mother told me of the sacrifices she, but more particularly her parents, made when they stayed home during the war; what they could have, what they couldn't have; how, when the air raid sirens went off they blackened their windows and they hid under the beds as they were supposed to do. She too, being too young not to understand exactly why, but knowing it was something that must be done.

A week from yesterday, May 8th, is VE Day. We have had conflicts since the end of World War II, but we have never had anything like World War II. I think I would be remiss if I did not say to Charlie and to all of you in the generations that preceeded me, who made those sacrifices — I just want to say to all of you that fought in the War, whether your cause was at home or

abroad, whether you faced the bullet or made the sacrifices supporting the people fighting the war — that you sometimes need to be reminded that my generation is thankful to you for having made that sacrifice. Thank you Mr. Speaker.

Rep. Ann Torr addressed the House.

Rep. Jeb Bradley moved that the remarks of Rep. Ann Torr be printed in the Journal.

Adopted.

Rep. Ann Torr: Thank you Mr. Speaker. On May 1st, 1948 a skinny and spunky young man with a twinkle in his eye attended a 1:00 p.m. ceremony in the town of Whitefield as a groom. He spent his wedding night in a hotel in Bartlett. Most notably, it snowed that night. Last night, May 1st, 1995 this same man, a little older, a little wiser, could not be found. I'm told, with the same twinkle in his eye, he borrowed Stacey Cole's sneakers and he melted the rest of the snow in the North Country. Happy 47th wedding anniversary to our Speaker and his wife Eleanor.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 5:00 p.m.

RECESS

Rep. Cole moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 20**

Tuesday, May 9, 1995

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of all creation, we give thanks for the beauty of this day, for the abundance of life all around us, for the surge of Your glory through our lives. Help us to cherish these days of new life and to reflect through our words and deeds Your passion for variety and vitality. And hear our prayers also for those men and women who fifty years ago, served this country in time of war and who sacrificed a great deal, even life itself, so that we might be stewards of our future and be able to enjoy the peace of days like these. Amen.

Reps. Messier and Amanda Merrill led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Barry, Cornell, Patricia Cote, DeChane, Ferguson, Robert Foster, Gorman, Goulet, Healy, James Johnson, Laura Kane, Krochmal, John McCarthy, Moncrief, Senter, Vincent, Bridgewater, Cobbin, Clemons, Sherman Packard and Varsalone, the day, illness.

Reps. Stephen Adams, Asselin, Burnham, Thomas Cain, Connolly, Dewhirst, Doucette, Linda Foster, Hall, Hurt, Langer, Manning, Martin, McCann, Newland, Reynolds, Showerman, Edwin Smith, Donna Soucy, Stone, Ralph Torr, Owen, Eaton, Lundborn, Franks, Bean and David Richards, the day, important business.

Reps. Milligan and Fields, the day, death in the family.

Reps. Charles Cote, Barbara Richardson and Nehring, the day, illness in the family.

**(Rep. David Scanlan in the Chair)**

**INTRODUCTION OF GUESTS**

Allison Cross and Colby Morrill, daughter and grandson of Rep. Morrill. Berlin Middle School 8th grade students, guests of the Berlin delegation. Lee Hurst, guest of Rep. Hurst. Peter Terkow, guest of Rep. Case. Jared Hogan, Joe Anderson, Tim Malone, Allan Bartlett, Mike Strauh and Frank Dolmas, guests of Rep. Donna Sytek. Matthew Denoncour, Landon Lagasse, Justin Place, Craig Davidson, Joshua Mills, Kurt Foley, Nathan Baines, Gene Perreault and Norman Denoncour, Jr., guests of Rep. Nowe. Former Rep. Patricia Skinner, guest of the House.

**CONFEREE CHANGE**

**HB 3**, making supplemental appropriations for the fiscal year ending June 30, 1995, and relative to state revenues, payments, and fees.

Rep. Ferguson off, Rep. Channing Brown on; Rep. Frank Torr first named.

**(Speaker Burns in the Chair)**

**SENATE MESSAGES****ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE**

**HB 109**, relative to what constitutes prostitution.

The President appointed Sens. Podles, Gordon and Cohen.

**HB 143**, relative to transporting loads on highways.

The President appointed Sens. Gordon, F. King and Cohen.

**HB 221**, relative to administrative fines for violations of RSA 313-A, relative to barbering, cosmetology, and esthetics.

The President appointed Sens. Rodeschin, Colantuono and Stawasz.

**HB 369-A**, establishing a committee to study the feasibility of leasing the Mount Sunapee and Cannon Mountain ski areas.

The President appointed Sens. Russman, Rodeschin and Pignatelli.

**HB 389**, defining compensation for the purposes of determining immunity from liability for directors and officers of nonprofit organizations.

The President appointed Sens. Podles, Gordon and Pignatelli.

### CONCURRENCE

**HB 107**, expanding the authority of the executive director of fish and game to adopt rules relative to marine species.

**HB 120**, prohibiting certain motorboats on Flint Pond in the town of Hollis.

**HB 152-FN**, allowing the New Hampshire technical institute and technical colleges to apply for accreditation other than as a technical institute or technical college, renaming the department, the institute and colleges, and making administrative revisions.

**HB 219**, exempting the preparation of mortgage plot plans and mortgage inspection reports from application of the chapter regulating engineers, architects, land surveyors, foresters, and natural scientists.

**HB 230**, relative to the physical therapy practice act.

**HB 303-FN-L**, relative to the motor vehicle emissions inspection and maintenance program in Merrimack County.

**HB 314-FN**, relative to wolf hybrids.

**HB 400**, allowing liquor licenses to be issued to limited liability companies.

**HB 440**, relative to same day voter registration at city, town, school district, and village district elections.

**HB 455**, relative to marking a straight ticket ballot.

**HB 490-FN-L**, requiring tax collectors to provide notice to a mortgagee prior to extermination of its rights in property by issuance of a tax deed.

**HB 526 FN**, relative to the elevator law, including certain fees.

### CONCURRENCE WITH AMENDMENTS

**SB 14-L**, concerning inclement weather liability on municipal property other than highways.

**SB 25**, requiring property owner notification in certain lead exposure cases.

**SB 37**, exempting certain organizations' recreation programs from state child day care licensing requirements.

**SB 60**, relative to ambulatory care clinics' quality assurance programs.

**SB 80**, reinstating the charters of Dundee Mountain Development Corp., Cable Connector Corporation of America, Sigma General, Inc., Yipes Stripes of New Hampshire, Inc., and Jenesco, Incorporated.

### RE-REFERRED

**HB 486-FN**, relative to lease agreements for state equipment.

**HB 510-FN**, relative to the sale of fireworks.

**HB 594-FN-L**, requiring employers to report to the department of employment security the names of individuals hired or rehired, which information is used by the division of human services in child support enforcement and making an appropriation therefore.

### NONCONCURRENCE

**HB 271**, prohibiting electronic video gambling machines.

**HB 304**, authorizing the use of electric motors on certain lakes and ponds.

**HB 361**, relative to the board of manufactured housing.

**HB 362**, relative to the authority to make arrests in fresh pursuit.

**HB 376**, making it illegal to knowingly control any premises or propelled vehicle where persons under the age of 21 consume alcohol.

**HB 521-FN-L**, creating interagency family assistance teams.

**HB 557-FN**, relative to the procedures of the central registry under the division for children, youth, and families.

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 258**, relative to recreational trails. (Amendment printed SJ 15, 4/25/95)

Rep. Dickinson moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Whalley, Crowell, Robert Wheeler and Paula Bradley.

**HB 317-FN**, relative to disqualification for unemployment compensation benefits due to self-employment. (Amendment printed SJ 18, 5/4/95)

Rep. Hawkins moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hawkins, Turner, Perkins and Palmer.

**HB 326-FN-L**, requiring that all governmental business be conducted in English. (Amendment printed SJ 18, 5/4/95)

Rep. Mercer moved that the House concur.

Adopted.

**HB 341**, changing the procedure for the release of a security interest in a motor vehicle and establishing a committee to assess the feasibility of a paperless title system for motor vehicles. (Amendment printed SJ 16, 4/27/95)

Rep. George Katsakiores moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Bartlett, Turgeon, Kobel and Peter Cote.

**HB 395**, relative to the jurisdiction of the zoning board of adjustment, the appeal of land use decisions, and the exhaustion of administrative remedies. (Amendment printed SJ 18, 5/4/95)

Rep. Behrens moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Metzger, Noyes, Weyler and McGuirk.

**HB 398-L**, relative to the membership and certain duties of heritage commissions, historic district commissions, and conservation commissions. (Amendment printed SJ 16, 4/27/95)

Rep. Behrens moved that the House concur.

Adopted.

**HB 401**, establishing a committee to study payments in lieu of taxes for university system properties and certain state government operations which function as businesses open to the public. (Amendment printed SJ 16, 4/27/95)

Rep. Behrens moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Behrens, Larson, Weeks, and Linda Foster.

**HB 404**, requiring certain employee interviews by the commissioner of labor to be confidential. (Amendment printed SJ 16, 4/27/95)

Rep. Hawkins moved that the House concur.

Adopted.

**HB 437**, relative to competitive bidding in Rockingham county. (Amendment printed SJ 115 4/25/95)

Rep. Behrens moved that the House concur.

Adopted.

**HB 542-FN**, permitting nonattorneys to represent taxpayers in certain appeals before municipalities and the board of tax and land appeals. (Amendment printed SJ 18, 5/4/95)

Rep. Mercer moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Holley, Robert Dodge, Mercer and Asselin.

**HB 581-FN**, authorizing the department of environmental services, division of water resources, to acquire certain dams. (Amendment printed SJ 14, 4/20/95)

Rep. Dickinson moved that the House concur.

Adopted.

**HB 588**, relative to a forfeiture for failure to license a dog. (Amendment printed SJ 18, 5/4/95)

Rep. Behrens moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Behrens, Brundige, Patten and Whipple.



**HB 643**, allowing cruise ships, the primary purpose of which is tourism, to come into New Hampshire waters if their gambling machines are shut down. (Amendment printed SJ 14, 4/20/95)

Rep. Bonnie Packard moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Bonnie Packard, Hunt, Robert Kelley and Crory.

**HB 630**, recodifying and revising the forestry laws. (Amendment printed SJ 16, 4/27/95)

Rep. Dickinson moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Dickinson, Royce, David Scanlan and Merritt.

**HB 657-FN**, directing the supreme court to designate one or more counties for a family division pilot program within the judicial branch and to establish such program. (Amendment printed SJ 18, 5/4/95)

Rep. Lockwood moved that the House concur.

Adopted.

### NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

**SB 19**, regulating persons who sell agricultural, industrial, forest and related equipment.

The President appointed Sens. Roberge, Danaïs and Blaisdell.

Rep. Bonnie Packard moved that the House accede.

Adopted.

The Speaker appointed Reps. Bonnie Packard, Hill, Belanger and Syracuse.

**SB 31**, relative to failure of insurers to file annual statements when due.

The President appointed Sens. Danaïs, Fraser and Shaheen.

Rep. Bonnie Packard moved that the House accede.

Adopted.

The Speaker appointed Reps. Krueger, Gage, Henderson and Newland.

### ENROLLED BILLS AMENDMENTS

**HB 117-FN**, changing the name of the department of agriculture to the department of agriculture, markets, and food; clarifying the mission of the department and the responsibilities of the commissioner; and revising the composition and responsibilities of the agricultural advisory board.

#### Amendment (2408L)

Amend section 4 of the bill by replacing line 6 with the following:

223:7; 223:17; 332-B:3, IV; 339-B:10; 362-D:5, introductory

Adopted.

**HB 216**, requiring sales finance companies to file annual reports with the bank commissioner.

#### Amendment (2416L)

Amend section 1 of the bill by replacing lines 2-3 with the following:

RSA 361-A by inserting after section 2-a the following new section:

361-A:2-b Annual Report.

Adopted.

**HB 298**, relative to the rulemaking authority of the police standards and training council and permitting the council to delegate certain powers and duties to the director of police standards and training.

#### Amendment (2409L)

Amend the bill by deleting section 16 and renumbering the original sections 17-18 to read as 16-17, respectively.

Amend the bill by replacing section 17 with the following:

17 Provision Nullified. 1995, 9:23, relative to an amendment to RSA 188-F:38, shall not take effect.

18 Effective Date.

I. Section 17 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

Adopted.

## ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 107, 131, 154, 227, 300, 307, 351, 370, 393, 405, 425, 438, 442, 455, 470, 576, 596, 613, 636, 645 and 653, and Senate Bills 1, 14, 15, 23, 37, 58, 60, 66, 99, 103 and 121, .

Rep. Tufts, Sen. Currier for the Committee

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**SB 123-FN-A**, establishing a committee which shall develop a master plan for the Laconia state school property, was removed at the request of Rep. Rosen.

Consent Calendar adopted.

**SB 35**, relative to the conversion of mutual insurers. **OUGHT TO PASS WITH AMENDMENT**

Rep. John B. Hunt for Commerce, Small Business, Consumer Affairs and Economic Development: This bill, as amended, will allow a mutual insurance company to convert to a stock company without depleting all its assets. This will only take effect if the Insurance Commissioner determines that the current law for conversion would be an undue burden to the policyholders' assets. Vote 19-0.

### Amendment (1988L)

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Alternative Form of Conversion of Mutual Insurers. Amend RSA by inserting after chapter 403-B the following new chapter:

#### CHAPTER 403-C

#### ALTERNATIVE FORM OF CONVERSION OF MUTUAL INSURERS

403-C:1 Application. Notwithstanding the provisions of RSA 403-B, a qualified mutual insurance company organized under the laws of this state may convert into a stock insurance company upon compliance with procedures established at the discretion of the commissioner.

403-C:2 Definitions. For the purposes of this chapter:

I. "Commissioner" means the insurance commissioner.

II. "Qualified mutual insurance company" means a mutual insurance company organized under the laws of this state for which the projected costs of a stock conversion under RSA 403-B, for such items as legal, accounting, investment banking and other expenses is determined by the commissioner to equal a significant portion of the policyholder's surplus as of the end of the most recent annual reporting period prior to the date of the company's request for a determination that it is a qualified mutual insurance company.

403-C:3 Procedure for Conversion.

I. A mutual insurance company organized under the laws of this state may apply to the commissioner for a determination that it is a qualified mutual insurance company. The company shall submit an estimate of the projected costs of a stock conversion under RSA 403-B together with such other information as the commissioner may require. The commissioner shall determine whether the company is a qualified mutual insurance company within 30 days of receipt of a completed application for such determination. If the commissioner shall determine that the company is a qualified mutual insurance company within the meaning of RSA 403-C:2, II the commissioner shall issue a certificate thereof.

II. A qualified mutual insurance company may apply to the commissioner for conversion pursuant to this chapter by filing with the commissioner a plan of conversion adopted by a 2/3 vote of the entire board of directors, in such form as determined by the commissioner. Upon

approval of such plan by the commissioner and adoption of the plan by a 2/3 vote of those policyholders of the qualified mutual insurance company voting in person or by proxy, such conversion shall be effectuated in accordance with procedures determined by the commissioner.

III. Upon performance of the conditions contained in the plan of conversion, notwithstanding any other provision of law, policyholders of the insurer shall have no other right with respect to the conversion of the insurer after the effective date of the conversion.

2 Repeal. RSA 403-C, relative to an alternative form of conversion of mutual insurers, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect January 1, 1999.

II. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill creates an alternative to RSA 403-B for the conversion of qualified mutual insurance companies into stock insurance companies.

**SB 70**, relative to collection of bad checks. INEXPEDIENT TO LEGISLATE

Rep. Ronald G. Russell for Corrections and Criminal Justice: The committee recognizes that bad checks are a continuing problem for merchants. The issue has been the subject of considerable study by this and other committees, resulting in comprehensive civil and criminal statutes. Senate Bill 70 does not improve on the current law, and raises questions about unfunded mandates on local government. The problems encountered by merchants are not the result of a deficiency in state law, but are due to a lack of enforcement at the local level. Several communities have exemplary policies for prosecution of bad checks which should serve as models for other police jurisdictions wishing to pursue this chronic problem. Vote 16-0.

**SB 55**, clarifying the administrative powers of the department of environmental services relative to dams, mills, and flowage. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: This bill is a duplicate of HB 112 which the House voted inexpedient to legislate. The subject matter in these bills was covered in HB 387 which passed the House on March 15, 1995. Vote 14-2.

**SB 149-FN-L**, relative to disability benefits and retirement system membership. OUGHT TO PASS WITH AMENDMENT

Rep. Sandy B. Stettenheim for Executive Departments and Administration: This bill was introduced on behalf of the NH Retirement System Board to bring the RSAs in compliance with current workmen's compensation regulations and to define creditable service limitations while on workmen's compensation as well as other technical changes. The committee's amendment clarifies the service credit limitation to "each new unrelated" injury and the definition of "rate" payable. Vote 11-0.

### Amendment (2251L)

Amend the bill by replacing section 1 with the following:

1 Determining Amount of Creditable Service. Amend RSA 100-A:4, III(b) to read as follows:

(b) Notwithstanding the provisions of subparagraph (a) or any other law to the contrary, any member who receives a weekly award under the provisions of RSA 281-A from the commissioner of labor, for injury arising out of and in the course of employment, shall be entitled to creditable service for said period not in excess of one year. To receive creditable service, a member shall file a department of labor memo of payment of disability compensation form, with the board of trustees, verifying the first and last payment of disability compensation *not later than one year after the date of each new unrelated injury*.

Amend the bill by replacing section 3 with the following:

3 Restoration to Service; Disability Beneficiary. Amend RSA 100-A:7 to read as follows:

100-A:7 Restoration to Service. If a disability beneficiary or any other beneficiary is restored to service, [his] *the beneficiary's* retirement allowance shall cease, [he] *the beneficiary* shall again become a member of the retirement system and [he] *the beneficiary* shall contribute [thereafter at the rate payable with respect to the same age which determined the rate paid prior to his retirement] *at the percentage payable pursuant to RSA 100-A:16, I(a)*. Anything herein to the

contrary notwithstanding, any credit for membership service and for any prior service on the basis of which [his] *the beneficiary's* creditable service was computed at the time of [his] *the beneficiary's* former retirement shall be restored to full force and effect; but if [he] *the beneficiary* is restored to membership after the attainment of age 50 in the case of a group I member, or age 45 in the case of a group II member, upon subsequent retirement within a period of 3 years after such restoration to membership, [he] *the beneficiary* shall receive a retirement allowance based on [his] *the beneficiary's* service as a member since [his] *the beneficiary's* last restoration to membership, plus a retirement allowance equal to the retirement allowance to which [he] *the beneficiary* was entitled at the time of such restoration, except that the total retirement allowance upon such subsequent retirement shall not be a greater proportion of [his] *the beneficiary's* average final compensation than the proportion to which [he] *the beneficiary* would have been entitled had he remained in service during the period of [his] *the beneficiary's* prior retirement.

Referred to Finance.

**SB 160-FN**, relative to the employee assistance program at the department of health and human services. **OUGHT TO PASS**

Rep. Jon P. Beaulieu for Executive Departments and Administration: This bill will allow the coordinator of the employee assistance program to create a study committee for the purpose of determining the feasibility of offering its services to employees of all state agencies, said report to be made available no later than November 1, 1995. This bill will have no fiscal impact on state, county and local revenues and expenditures. Vote 14-2.

**SB 156-FN-A**, establishing a committee to study the issues of lead abatement and relative to certain lead abatement issues. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard G. Warner for Health, Human Services and Elderly Affairs: This bill as amended establishes a committee to study the issues of lead abatement for property owners. This bill allows an owner of fewer than 7 rental units a reduced license fee to perform lead abatement on units owned by such owner if the dwelling units are not the subject of an order issued pursuant to RSA 130-A:6. The bill also details security deposit and rental arrears issues relating to lead abatement. Vote 15-0.

#### **Amendment (2400L)**

Amend the bill by replacing all after the enacting clause with the following:

##### **I Statement of Intent.**

I. The general court finds that the presence of lead base paint and other lead base materials in rental housing units creates a health hazard for residents of such housing, especially children under the age of 6 and pregnant women. The general court also finds that the risk of lead poisoning is significantly higher in rental housing units which serve lower-income families. The general court finds that as a matter of public policy, federal, state and local governments often mandate or encourage owners of such rental property to take action to abate this health hazard, but that such property owners often lack access to a permanent source of lead specific abatement funds while there is little affordable capital forthcoming from either the federal or state governments to undertake such lead base substance activities. In addition, owners of rental property in the state are facing increasing difficulty in obtaining affordable general liability insurance for buildings constructed before 1978. The general court finds that providing limited immunity from liability for owners of rental property where lead base paint and other lead base materials are present will make liability insurance more affordable and available, will make compliance with abatement orders more likely and will prevent the removal of rental units from service. Therefore, the general court hereby determines that a committee be established to study the availability of general liability insurance, the effect of limited immunity from liability on it, proper methods for owner abatements of lead hazards, issues surrounding waste disposal (including soils) as relating to lead hazard abatements, and a comprehensive solution to the problems faced by rental property owners including the cost of abatement compliance, loss of rental housing units in the marketplace and any other related subjects of interest to the committee regarding the issue of lead poisoning and control in the state of New Hampshire.

II. To the extent possible, the committee is to attempt to identify resources to be accessed to assist property owners, on a regular and recurring basis, to ensure lead safe housing in New Hampshire.

## 2 Committee Established; Duties; Membership.

I. There is hereby established a committee to study the availability of general liability insurance, the effects of limited liability on the availability of insurance, proper methods for owner abatements of lead hazards, and issues surrounding waste disposal (including soils) as relating to lead hazard abatements. The committee shall also attempt to identify resources to be accessed to assist property owners and recommend a comprehensive solution to the problems created by lead base paint and other lead base materials in dwelling units, including the cost of abatement compliance and loss of rental housing units in the marketplace, and may study any other related subjects of interest to the committee regarding the issue of lead poisoning and control in the state of New Hampshire. The committee shall consist of the following members, all of whom shall be appointed within 30 days of the effective date of this act:

(a) Two members of the senate, appointed by the senate president.

(b) Two members of the house of representatives, appointed by the speaker of the house.

## II. The committee may seek input from the following:

(a) The director of the division of public health services, department of health and human services, or designee.

(b) A representative of the New Hampshire Bankers Association.

(c) The insurance commissioner, or designee.

(d) A representative from the New Hampshire Property Owners Association.

(e) A representative of New Hampshire Legal Assistance.

(f) The executive director of the New Hampshire housing finance authority, or designee.

(g) The executive director of the Community Loan Fund, or designee.

(h) A representative of the New Hampshire Association of Realtors.

(i) Representatives of the insurance industry.

(j) A representative of the National Paint and Coatings Association.

(k) Others as deemed appropriate by the committee.

3 Chair; Meetings. The chair of the committee shall be selected from the members at the first meeting. The first meeting of the committee shall be called by the first-named senator within 60 days of the effective date of this act.

4 Staff. The committee may utilize the staff and research assistance of the division of public health services and the legislative budget assistant's office in the conduct of its study.

5 Report. The committee shall submit a report of its findings, including recommendations for legislation, to the speaker of the house, the senate president, the house clerk, the senate clerk, the governor and the state library on or before November 1, 1995.

6 Fee Changed. Amend RSA 130-A:10, IV to read as follows:

IV. Fees to be collected for the issuance of licenses to lead inspectors, lead abatement contractors, for certification of lead abatement workers, for testing resulting from investigations, for certification of laboratories, and for notifications under RSA 130-A. Property owners who own [more than 4 but] fewer than 7 dwelling units shall pay a fee for licensure [which is 1/2 of that paid by other lead abatement contractor licensees] **not to exceed \$100**. Such reduced fee license shall only be valid for work on dwellings or dwelling units owned by such license holder.

7 Relocation of Tenants. Amend RSA 130-A:8-a, II(g) to read as follows:

(g) Prior to the time the family vacates the unit, the owner shall return the tenant's security deposit, regardless of any rental arrears owed by the tenant or the condition of the unit, plus all prepaid rent. ***Prior to the reoccupancy of the unit under the provisions set forth in RSA 130-A:8-a, II(f), the tenant shall pay any rental arrears which shall have been demanded under RSA 540:4, prior to the relocation of the tenant. The rental arrears shall be paid at least 10 days prior to reoccupancy. The tenant shall return the security deposit to the owner within 45 days after reoccupancy pursuant to RSA 540-A:6.***

8 Lead Exposure Hazard. Amend RSA 485-A:56 to read as follows:

485-A:56 Products Prohibited. No household cleansing products except those used in dishwashers ***or for lead exposure hazard control purposes*** shall be distributed, sold or offered for sale in this state, which contain a phosphorus compound in concentrations in excess of a trace quantity.

9 Extension of Date. Amend 1994, 386:14, I to read as follows:

I. Sections 12 and 13 of this act shall take effect July 1, [1995] **1996**.

10 Repeal. RSA 130-A:12, I(b), relative to an exception for licensure, shall be repealed.

11 Effective Date.

I. Section 9 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill establishes a committee to study the issues of lead abatement for property owners. The bill allows an owner of fewer than 7 rental units a reduced fee license to perform lead abatement on units owned by such owner if the dwelling units are not the subject of an order issued pursuant to RSA 130-A:6. The bill details the security deposit and rental arrears issues.

The bill also extends the prospective repeal on the lead abatement loans.

### SB 63, relative to the definition of fiduciary. OUGHT TO PASS WITH AMENDMENT

Rep. Richard E. Kennedy for Judiciary and Family Law: Under present law, a trustee of a testamentary trust (one which comes into being upon the death of the grantor) is not personally liable for environmental problems involving property in the trust. The reason for this is that the trustee is administering the trust, not managing the property. However, most estate planning trusts are "living trusts" (created while the grantor is still living). This bill clarifies the definition of a fiduciary in the environmental laws by including a definition of "living trusts" and differentiating between a testamentary trust and a donative or estate planning inter vivos (living) trust. This bill is also designed to prevent the use of "business trusts" and "realty trusts" as a mechanism to avoid liability for environmental problems. Vote 14-0.

### Amendment (2442L)

Amend the bill by replacing all after the enacting clause with the following:

1 Definition Modified. Amend RSA 146-A:2, I(e) to read as follows:

I-e.(a) "Fiduciary" means a person:

[(a)](1) Who is acting in any of the following representative capacities, but only to the extent such person is acting in such representative capacity; an executor or administrator of an estate, including a voluntary executor or a voluntary administrator; a guardian; a conservator; a trustee under a will under which the trustee takes title to, or otherwise controls or manages, property for the purpose of protecting or conserving such property under the ordinary rules applied in the courts of the state of New Hampshire; a court-appointed receiver; a trustee appointed in proceedings under federal bankruptcy laws; an assignee or a trustee acting under an assignment made for the benefit of creditors; **a trustee under a revocable or irrevocable donative or estate planning inter vivos trust**; or a trustee, pursuant to an indenture agreement or similar financing agreement, for debt securities, certificates of interest of participation in any such debt securities, or any successor thereto; and

[(b)](2) Who holds legal title to, controls, or manages, directly or indirectly, any facility or vessel as a fiduciary for purposes of administering an estate or trust of which such facility or vessel is a part; and

[(c)](3) Who is otherwise not engaged in petroleum production, refining or marketing.

**(b) Any person or entity acting as trustee of a business trust, a realty trust, a real estate trust, a nominee trust, or any similar trust shall not be considered a "fiduciary" under this chapter.**

2 Definition Modified. Amend RSA 146-C:1, VII-b to read as follows:

VII-b.(a) "Fiduciary" means a person:

[(a)](1) Who is acting in any of the following representative capacities, but only to the extent such person is acting in such representative capacity; an executor or administrator of an estate, including a voluntary executor or a voluntary administrator; a guardian; a conservator; a trustee under a will under which the trustee takes title to, or otherwise controls or manages, property for the purpose of protecting or conserving such property under the ordinary rules applied in the courts of the state of New Hampshire; a court-appointed receiver; a trustee appointed in proceedings under federal bankruptcy laws; an assignee or a trustee acting under an assignment made for the benefit of creditors; **a trustee under a revocable or irrevocable donative or estate planning inter vivos trust**; or a trustee, pursuant to an indenture agreement or similar financing agreement, for debt securities, certificates of interest of participation in any such debt securities, or any successor thereto; and

[(b)](2) Who holds legal title to, controls, or manages, directly or indirectly, any facility as a fiduciary for purposes of administering an estate or trust of which such facility is a part; and

[(c)](3) Who is otherwise not engaged in petroleum production, refining or marketing.

*(b) Any person or entity acting as trustee of a business trust, a realty trust, a real estate trust, a nominee trust, or any similar trust shall not be considered a "fiduciary" under this chapter.*

3 Definition Modified. Amend RSA 147-B:2, III-a to read as follows:

III-a.(a) "Fiduciary" means a person:

[(a)](1) Who is acting in any of the following representative capacities, but only to the extent such person is acting in such representative capacity: an executor or administrator of an estate, including a voluntary executor or a voluntary administrator; a guardian; a conservator; a trustee under a will under which the trustee takes title to, or otherwise controls or manages, property for the purpose of protecting or conserving such property under the ordinary rules applied in the courts of the state of New Hampshire; a court-appointed receiver; a trustee appointed in proceedings under federal bankruptcy laws; an assignee or a trustee acting under an assignment made for the benefit of creditors; *a trustee under a revocable or irrevocable donative or estate planning inter vivos trust*; or a trustee, pursuant to an indenture agreement or similar financing agreement, for debt securities, certificates of interest of participation in any such debt securities, or any successor thereto; and

[(b)](2) Who holds legal title to, controls, or manages, directly or indirectly, any facility as a fiduciary for purposes of administering an estate or trust of which such facility is a part.

*(b) Any person or entity acting as trustee of a business trust, a realty trust, a real estate trust, a nominee trust, or any similar trust shall not be considered a "fiduciary" under this chapter.*

4 Grantor Added. Amend RSA 564-A:7, II to read as follows:

II. The filing by a trustee of a written certificate [sign] *signed* by the trustee, filed and recorded as hereinafter set forth and in substantially the following form shall be conclusive evidence and notice to all third parties that the trustee named therein and [his] *the trustee's* successors have full and absolute power to convey any interest in real estate and improvements thereon held by the trustee and no third person or purchaser, without actual knowledge to the contrary, shall be obligated to further inquire as to the power or authority of the trustee to convey or to see to the application of any trust assets paid or delivered to the trustee. The undersigned trustee(s) as Trustee(s) under the \_\_\_\_\_ Trust created by \_\_\_\_\_ *as grantor* under trust agreement dated \_\_\_\_\_, and thereto have full and absolute power in said trust agreement to convey any interest in real estate and improvements thereon held in said trust and no purchaser or third party shall be bound to inquire whether the trustee has said power or is properly exercising said power or to see to the application of any trust asset paid to the trustee for a conveyance thereof.

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Trustee

5 Effective Date. This act shall take effect 60 days after its passage.

**SB 132-FN-L**, granting counties legal standing to contest the validity or cost of court-ordered evaluation, care, or treatment services for children for which the county is liable. **OUGHT TO PASS WITH AMENDMENT**

Rep. Julie M. Brown for Judiciary and Family Law: SB 132-FN-L as amended provides a county may, within 30 days from receipt of a notice for services, request a hearing on the issues of cost appropriateness of services or recovery. Vote 15-0.

#### **Amendment (2415L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

providing that counties may request a hearing relative to the validity or cost of court-ordered evaluation, care, or treatment services for children for which the county is liable.

Amend the bill by replacing all after the enacting clause with the following:

1 Counties; Hearing Relative to Children's Services. Amend RSA 126-A:49-a, II to read as follows:

II. Upon the issuance of an order under paragraph I, the court shall send notice to the state *and relevant county*. The state *and relevant county* may, within 30 days from the receipt of notice, request a hearing on the [issue] *issues of the cost or appropriateness of services, or recovery*. At such hearing, the court shall provide all financial information, including names and addresses of persons chargeable by law for the minor's support and necessities, to the state *and relevant county*.

2 Counties; Hearing Relative to Children's Services; Delinquent Children. Amend RSA 169-B:40, II to read as follows:

II. Upon the issuance of the order in paragraph I, the court shall send notice to the state and relevant county. The state and relevant county may, within 30 days from the receipt of notice, request a hearing on the [issue] *issues of the cost or appropriateness of services, or recovery*. At such hearing, the court shall provide all financial information, including names and addresses of persons chargeable by law for the minor's support and necessities, to the state and relevant county.

3 Counties; Hearing Relative to Children's Services; Child Protection Act. Amend RSA 169-C:27, II to read as follows:

II. Upon the issuance of the order in paragraph I, the court shall send notice to the state and relevant county. The state and relevant county may, within 30 days from receipt of notice, request a hearing on the [issue] *issues of the cost or appropriateness of services, or recovery*. At such hearing, the court shall provide all financial information, including names and addresses of persons chargeable by law for the child's support and necessities, to the state and relevant county.

4 Counties; Hearing Relative to Children's Services; Children in Need of Services. Amend RSA 169-D:29, II to read as follows:

II. Upon the issuance of the order in paragraph I, the court shall send notice to the state and relevant county. The state and relevant county may, within 30 days from receipt of notice, request a hearing on the [issue] *issues of the cost or appropriateness of services, or recovery*. At such hearing, the court shall provide all financial information including names and addresses of persons chargeable by law for the child's support and necessities, to the state and relevant county.

5 Effective Date. This act shall take effect January 1, 1996.

### AMENDED ANALYSIS

This bill provides that a county may request a hearing relative to the validity or cost of court-ordered evaluation, care, or treatment services for children for which the county is liable.

**SB 162-FN**, relative to guardianships of minors and estates of minors. **OUGHT TO PASS**

Reps. Margaret D. Hallyburton and Nick Hart for Judiciary and Family Law: This bill is a rewrite and re-enactment of RSA 463, relative to guardians of minors, which is a very old statute and which has been subject to extensive case law interpretation due to its ambiguity. The bill is the product of a two-year project initiated by the Bar Association and participated in by practitioners and the probate courts. Vote 14-0.

**SB 164-FN**, relative to the procedures of the central registry under the division for children, youth, and families. **OUGHT TO PASS WITH AMENDMENT**

Rep. Julie M. Brown and Rep. Richard E. Kennedy for Judiciary and Family Law: This bill revises the procedures of the central registry to allow for computerization in 1996. It also establishes a three member appeals board and a process to appeal a determination made to place a person's name in the registry. The committee is unanimous in its recommendation on SB 164 and in the hope that its passage, as amended, will go a long way towards ameliorating dissension over the operation of the central registry. Vote 14-0.

### Amendment (2469L)

Amend the bill by replacing all after the enacting clause with the following:

1 Central Registry Revised. RSA 169-C:35 is repealed and reenacted to read as follows:  
169-C:35 Central Registry.

I. There shall be a state registry of all founded reports of child abuse and neglect.

II. The central registry shall contain:



(a) Information on all founded reports that a child has been abused or neglected pursuant to this chapter. Prior to the approval of any consent order pursuant to RSA 169-C:17 between the alleged perpetrator and any state entity which shall result in an alleged perpetrator being placed in the central registry, the alleged perpetrator, the child, the parents, or the guardian or custodian shall be notified of such in writing.

(b) Information on any person who has been convicted of any of the following offenses against a minor as the result of a criminal proceeding before any New Hampshire court of competent jurisdiction:

(1) Capital murder, first or second degree murder, or manslaughter under RSA 630.

(2) First degree assault under RSA 631:1.

(3) Aggravated felonious sexual assault, felonious sexual assault, or sexual assault under RSA 632-A.

(4) Kidnapping or criminal restraint under RSA 631:1.

(5) Incest under RSA 639:2.

(6) Endangering the welfare of a child by solicitation under RSA 639:3, III.

(7) Any felonious child pornography offense under RSA 649-A.

The court shall transmit to the central registry the person's first and last name and middle initial, date of birth, gender, social security number, address at the time of the incident, name of the victim, if possible, the court of competent jurisdiction, and the offense for which the person was convicted.

III. Unfounded case records shall be held at central registry for no more than 90 days.

IV.(a) The central registry shall remain confidential under RSA 169-C:25 and 170-G:8-a.

(b) Notwithstanding any other provision of law, any officer or employee of the state police, division of public health services, or department of education who knowingly and willfully provides information from such agency's files regarding an individual listed in the central registry to any person not authorized to receive such information shall be fined not less than \$5,000 or imprisoned not more than one year, or both. These penalties shall not relieve any person from civil liability for any injury caused by disclosure to an unauthorized person under this section.

V. Computer access shall be made available 24 hours a day and shall be provided by the division only to the New Hampshire state police, the division of public health child care standards and licensing, and the department of education bureau of credentialing for the purposes of determining whether an identified individual is listed in the central registry. Should an individual be identified as being listed in the central registry, such identification shall be indicated only by the term "match" with a statement that additional information may be obtained by contacting the division for children, youth, and families.

VI.(a) An individual shall be notified in writing by certified mail, return receipt requested, that a determination has been made to place the person's name in the central registry. Any individual who wishes to appeal this decision may do so before the appeals board established in subparagraph (d). Such request shall be made in writing within 14 days of receiving notification of the determination to place the name of the individual in the central registry.

(b) The division may at any time request that the appeals board order the removal of an individual's name from the central registry. Such request shall state the reasons why the division believes that the individual named no longer poses a threat to the safety of children. The appeals board, upon receipt of such a request may:

(1) Grant the request and order removal of the individual's name from the central registry; or

(2) Deny the division's request.

(c) The right of an individual to request a hearing before the appeals board, as provided in subparagraph (a), shall be in addition to the right that the individual has to appeal the determination that the individual is a person responsible for child neglect or abuse.

(d) A 3-member appeals board is established which shall consist of:

(1) An attorney appointed by the New Hampshire Bar Association who shall be familiar with civil rights issues and who shall chair the committee.

(2) A division for children, youth, and families representative appointed by the director of the division.

(3) A disinterested, unpaid public member appointed by the governor.

(e) At the appeals hearing, the division shall have the burden of establishing that there is probable cause to believe that the named individual has neglected or abused a child.

(f) This appeal shall include an opportunity for one to present evidence and witnesses on one's behalf to show that the individual does not pose a threat to the safety of children. In addition, individuals may bring 2 supportive persons to accompany them through this hearing process, and they may be represented by legal counsel if they so choose.

(g) If the appeals board determines that the individual does not pose a threat to the safety of children, the individual's name shall not be placed on the central registry.

(h) All hearings related to such appeals shall remain confidential.

VII. Founded cases of abuse and neglect under paragraph I shall be maintained in the registry for 7 years. Three years after all appeals have been exhausted through the level of the New Hampshire superior court, an individual may request an appearance before the appeals board in paragraph V to determine whether the individual's name shall be removed from the central registry. Such appearance shall include the opportunity for one to present evidence and witnesses on one's behalf to show that the individual no longer poses a threat to the safety of children. In addition, individuals may bring 2 supportive persons to accompany them through this hearing process, and they may be represented by legal counsel if they so choose. If the appeals board determines that the individual no longer poses a threat to the safety of children, the individual's name shall be removed from the central registry. The appeals board shall make such decision within 15 days of the hearing.

VIII. The division of children, youth, and families shall notify individuals in writing within 15 days of such determination.

IX. The division for children, youth, and families shall notify an individual in writing when the individual's name has been removed from the central registry within 30 days of such removal once computerization has been achieved.

16 Effective Date.

I. RSA 169-C:35, III, V, and IX as inserted by section 1 of the bill shall take effect July 1, 1996.

II. The remainder of this act shall take effect January 1, 1996.

### AMENDED ANALYSIS

This bill revises the procedures relative to the central registry, establishes a 3-member appeals board, and provides for appeals hearings for perpetrators.

Referred to Corrections and Criminal Justice.

**SB 116-FN-L**, standardizing and streamlining the application and appeal procedures for property tax relief. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for Municipal and County Government: New Hampshire law provides significant property tax relief for homeowners who are elderly, disabled, or impoverished, but the present procedures are unnecessarily complex, confusing, and contradictory. This bill simplifies the procedures and ensures the applicant receives a response to their request. Vote 15-0.

### Amendment (2417L)

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose.

I. The general court hereby finds that New Hampshire law provides significant property tax relief for homeowners who are elderly, disabled, or impoverished, but the procedures for seeking these forms of relief are unnecessarily complex, confusing and contradictory.

II. At present a separate application is required for each form of tax relief, and there are different application deadlines, many months apart. The appeal procedures and deadlines are varied and inconsistent. Because the present law does not specify that the taxpayer is entitled to receive a notice of decision, many taxpayers never receive a written decision informing them whether their applications have been granted or denied. Taxpayers who fail to file an annual property tax inventory forfeit their appeal rights, but only in towns or cities which continue to require such inventories.

III. The general court finds that the interests of taxpayers and municipal officials in simpler and more accessible government would be served if these tax relief systems, which were each created separately over a number of years, were coordinated and streamlined. The general court once again reaffirms that New Hampshire homeowners have a fundamental property right in their homes, and that protecting and safeguarding these property rights is of vital importance. The general court finds that these rights will be protected if the various property tax relief procedures are simplified, and if taxpayers receive timely and meaningful notice of their rights to seek tax relief and of their appeal rights if their initial application is denied.

2 New Section; Definitions Added. Amend RSA 72 by inserting after section 1-c the following new section:

72:1-d Definitions. In this chapter:

I. "Final tax bill" means:

- (a) In towns that bill annually, the date the town mails the tax bills to the taxpayers;
- (b) In towns that bill semiannually, pursuant to RSA 76:15-a, the date the town mails the second tax bill to the taxpayers; and
- (c) In towns operating with an optional fiscal year, pursuant to RSA 31:94-a or a special legislative act, the date the town mails the first tax bill to the taxpayers, provided that first tax bill establishes the total tax liability for the tax year and the bill includes notice that abatements must be sought from the first bill.

II. "Notice of tax date" means the date the board of tax and land appeals determines to be the last mailing date of the final tax bill for which relief is sought.

3 Uniform Application and Application Deadline for Exemptions, Deferrals or Credits. Amend RSA 72:33, I and II to read as follows:

I. No person shall be entitled to the exemptions, *deferrals* or tax credits provided by RSA 72:28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 37-b, 38-a, 39, 43-b, 43-f, 43-h, 62, 66, and 70 unless [he shall have] *the person has* filed with the selectmen or assessors, [on or before April 15 of some year] *by March 1 following the notice of tax date under RSA 72:1-d*, a permanent application therefor, signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration, showing that the applicant [is duly qualified and] is the true and lawful owner of the property on which the exemption, *deferral* or tax credit is claimed *and that the applicant was duly qualified upon April 1 of the year in which the exemption, deferral or tax credit is first claimed, or, in the case of financial qualifications, that the applicant is duly qualified at the time of application. The form shall include the following and such other information deemed necessary by the commissioner:*

(a) *Instructions on completing and filing the form, including an explanation of the grounds for requesting tax exemptions, deferrals and credits pursuant to RSA 72.*

(b) *Sections for information concerning the applicant, the property for which the relief is sought and other properties owned by the person applying.*

(c) *A section explaining the appeal procedure and stating the appeal deadline in the event the municipality denies the tax relief request in whole or part.*

(d) *A place for the applicant's signature with a certification by the person applying that the application has a good faith basis and the facts in the application are true.*

II. Any person who changes [his] residence after filing such a permanent application shall file an amended permanent application on or before the [April 15] *December 1* immediately following [his] *the* change of residence. The filing of the permanent application shall be sufficient for said persons to receive these exemptions or tax credits on an annual basis so long as the applicant does not change [his] residence; *provided, however, that towns and cities may require an annual application for the tax deferral authorized for the elderly and disabled by RSA 72:38-a.*

4 Written Decisions To Be Provided By Municipalities. Amend RSA 72:34 to read as follows:  
72:34 Investigation of Application *and Decision by Town Officials.*

I. On receipt of an application provided for in RSA 72:33, the selectmen or assessors shall examine it as to the right to the tax exemption, *tax deferral* or [the] tax credit, the ownership of the property listed, and, if necessary, the encumbrances reported.

II. For those exemptions having income or asset limitations, the assessing officials may request true copies of any of the following, as needed to verify eligibility. Any documents sub-

mitted shall be considered confidential, handled so as to protect the privacy of the applicant, and returned to [him] *the applicant* at the time a decision is made on the application. The documents are:

- (a) Federal income tax form;
- (b) State interest and dividends tax form; and
- (c) Property tax inventory form filed in any other town.

RSA 359-C shall not apply to the documents requested for verification under this section:

III. The assessing officials shall grant the exemption, *deferral* or tax credit if:

- (a) They are satisfied that the applicant has not willfully made any false statement in the application for the purpose of obtaining the exemption, *deferral* or [the] tax credit; and
- (b) The applicant cooperated with their requests under paragraph II, if it applies.

*IV. On or before July 1 following the notice of tax date under RSA 72:1-d, the selectmen or assessor shall send by first class mail a written decision to any taxpayer who timely requests an exemption, deferral or tax credit. This decision shall be sent on a form to be prepared by the department of revenue administration. The decision shall advise the taxpayer of the municipality's decision and shall inform the taxpayer of the appeal procedure set forth in RSA 72:34-a. Failure to respond shall constitute denial. Municipalities may, at their option, require the taxpayer to furnish a self-addressed envelope with sufficient postage for the mailing of this written decision.*

5 Uniform Appeal Procedure. Amend RSA 72:34-a to read as follows:

72:34-a Appeal From Refusal to Grant Exemption, Deferral or Tax Credit. Whenever the selectmen or assessors refuse to grant an applicant an exemption, deferral or tax credit to which [he] *the applicant* may be entitled under the provisions of RSA 72:23, 23-d, 23-e, 23-f, 23-g, 23-h, 23-i, 23-j, 23-k, 28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 37-b, ~~38-a~~, 39, 40, 41, 42, 43-b, 43-f, 43-h, 62, 66, or 70 [said] *the applicant* may appeal in writing [within 6 months of notice of the final tax bill], *on or before September 1 following the notice of tax date under RSA 72:1-d*, to the board of tax and land appeals *or the superior court*, which may order an exemption, *deferral* or tax credit, or an abatement if a tax has been assessed. ["Notice of the final tax bill" means the date the board of tax and land appeals determines to be the last date of mailing of the final tax bill by the taxing district.]

6 New Section; Extensions. Amend RSA 72 by inserting after section 34-a the following new section.

72:34-b Extensions. Extensions of filing deadlines in RSA 72 for filing exemption, credit, or deferral applications and appeals shall be in accordance with RSA 76:16-d.

7 Change From Elderly and Disabled Tax "Lien" to "Deferral"; Clarifying Eligibility. Amend RSA 72:38-a to read as follows:

72:38-a Tax [Lien] *Deferral* for Elderly and Disabled

I. Any resident property owner may apply for a tax [lien] *deferral* if [he] *the person*:

- (a) Is either at least 65 years old or eligible under *Title II or Title XVI of the federal Social Security Act* for benefits [to] *for* the [totally and permanently] disabled; and
- (b) Has owned [his] *the* homestead for at least 5 years; and
- (c) Is living in [his] *the* home.

The assessing officials may annually grant a person qualified under this paragraph a tax [lien] *deferral* for all or part of the taxes due, plus annual interest at 5 percent, if in their opinion the tax liability causes the taxpayer an undue hardship or possible loss of the property. The total of tax [liens] *deferrals* on a particular property shall not be more than 85 percent of its assessed value.

II. Applications shall be made within 4 months after receipt of the tax bill for the year. The application form shall be provided by the town. Its format shall be set by the commissioner of revenue administration through rules adopted under RSA 541-A).

III. II. A tax [lien] *deferral* shall be subject to any prior liens on the property and shall be treated as such in any foreclosure proceeding.

IV. III. If the property is subject to a mortgage, the owner must have the mortgage holder's approval of the tax [lien] *deferral*. Such approval does not grant the town a preferential lien.

V. IV. When the owner of a property subject to a tax [lien] *deferral* dies, the heirs, heirs-at-law, assignee or devisee shall have first priority to redeem the estate by paying in full the

[tax lien] *deferred taxes* plus any interest due. If the heirs, heirs-at-law, assignees or devisees do not redeem the property within 9 months of the date of death of the property owner, the municipality may commit the accrued amount of the [lien] *deferral* to the collector of taxes with a warrant signed by the assessing officials requiring him or her to collect it; and the collector of taxes shall have the same rights and remedies in relation thereto as provided in RSA 76:13 and RSA 80. Prior to holding a tax sale or executing a priority tax lien under RSA 80:59, the collector shall, at least 30 days prior to such tax sale or tax lien execution, send notice by certified or registered mail, to the last known post office address of the current owner, if known, or to the last known address of the deceased taxpayer, and to all mortgagees from whom permission has been sought pursuant to paragraph [IV] *III* of this section. Any person with a legal interest in the property may redeem it, either prior to the tax sale or tax lien execution, or subsequently as set forth in RSA 80:32 or RSA 80:69.

[VI.] V. The assessing officials shall file notice of each [lien] *tax deferral* granted, within 30 days, with the registry of deeds of the county in which the property is located to perfect it.

*VI. When a taxpayer appeals the denial of a deferral application to the superior court or board of tax and land appeals, the court or board may reverse or affirm, wholly or partly, or may modify the decision brought up for review when there is an error of law or when the court or board is persuaded by the balance of probabilities, on the evidence before it, that said decision is unreasonable.*

8 Application for Exemption; Solar Energy or Cooling System. RSA 72:64 is repealed and reenacted to read as follows:

72:64 Application for Exemption. Applications for exemptions under RSA 72:62 shall be governed by the provisions of RSA 72:33, 72:34 and 72:34-a.

9 Application for Exemption; Wind-Powered Energy System. RSA 72:68 is repealed and reenacted to read as follows:

72:68 Application for Exemption. Applications for exemptions under RSA 72:66 shall be governed by the provisions of RSA 72:33, 72:34 and 72:34-a.

10 Application for Exemption; Woodheating Energy System. RSA 72:72 is repealed and reenacted to read as follows:

72:72 Application for Exemption. Applications for exemptions under RSA 72:70 shall be governed by the provisions of RSA 72:33, 72:34, and 72:34-a.

11 Removal of Forfeiture of Appeals Rights for Failure to File an Inventory. Amend RSA 74:7-a to read as follows:

74:7-a Penalty for Failure to File.

I. Any person who fails to file a fully completed inventory form on or before April 15, unless granted an extension under RSA 74:8, shall pay a penalty of one percent of the property tax for which [he] *the person* is liable. In no case, however, shall the penalty be less than \$10 or more than \$50. Any person who fails to file an inventory form and who becomes liable to pay the penalty specified in this section shall lose [his] *the* right to appeal [any matter pertaining to the property tax for which he is liable and his right to appeal any exemptions to which he may be entitled but has not yet received.] *the denial of an abatement which is claimed on the grounds of improper assessment valuation, but shall not lose the right to apply for, or appeal the denial of, any other type of tax relief.* This penalty has all the force of taxation and shall be treated as incident to the tax.

II. [A person who is qualified for an exemption or tax credit under RSA 72:28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 37-b, 39, 43-b, 43-f, 43-h, 62, 66, or 70 and who has filed a proper permanent application for the exemption or tax credit with the proper selectmen or assessors as provided in RSA 72:33 and 72:42 which has been approved by the selectmen or assessors, shall not lose the exemption or tax credit, shall not have the exemption or tax credit rescinded, and shall not be required to file a subsequent application because he is liable for a penalty under paragraph I due to his failure to file a fully completed inventory form on time.] *If a town fails to deliver the inventory blank, the penalty of loss of appeal rights shall not apply.*

12 Reference to Deferrals Included. Amend RSA 72:29, VI to read as follows:

VI. For purposes of RSA 72:28, 29-a, 30, 31, 32, 33, 35, 36-a, 37, 37-a, 37-b, *38-a*, 39, 43-b, 43-f, 43-h, 62, 66, and 70, the ownership of real estate, as expressed by such words as "owner", "owned" or "own", shall include those who have equitable title or the beneficial interest for life in the subject property.

13 New Section; Definitions Added. Amend RSA 76 by inserting after section 1 the following new section:

76:1-a Definitions. In this chapter:

I. "Final tax bill" means:

(a) In towns that bill annually, the date the town mails the tax bills to the taxpayers;

(b) In towns that bill semiannually, pursuant to RSA 76:15-a, the date the town mails the second tax bill to the taxpayers; and

(c) In towns operating with an optional fiscal year, pursuant to RSA 31:94-a or a special legislative act, the date the town mails the first tax bill to the taxpayers, provided that first tax bill establishes the total tax liability for the tax year and the bill includes notice that abatements must be sought from the first bill.

II. "Notice of tax date," except for abatement requests and appeals under RSA 79-A:10, means the date the board of tax and land appeals determines to be the last mailing date of the final tax bill for which relief is sought.

III. "Notice of tax date" for abatement requests and appeals under RSA 79-A:10 for the abatement of the land-use-change tax means the date the taxing district mails the land-use-change tax bill to the taxpayer.

14 "Lien" Changed to "Deferral." Amend RSA 76:11-a, II to read as follows:

II. The tax bill shall also contain a statement informing the taxpayer of the types of tax relief for which the taxpayer has the right to apply. The following statement shall be considered adequate:

"If you are elderly, disabled, blind, a veteran or veteran's spouse, or are unable to pay taxes due to poverty or other good cause, you may be eligible for a tax exemption, credit, abatement or [lien] *deferral*. For details and application information, contact (insert title of local assessing officials or office to which application should be made)."

This statement shall be prominent and legible, and may either be printed on the tax bill itself, or on a separate sheet of paper enclosed with the tax bill. A municipality may in its discretion choose to include more detailed information about the eligibility criteria for different forms of tax relief, provided, however, that the information in the above statement shall be considered a minimum.

15 New Section; Limitation on Interest Charges When Tax Relief Granted. Amend RSA 76 by inserting after section 13-a the following new section:

76:13-b Limitations on Interest When Tax Relief is Granted. Notwithstanding any provisions of RSA 76:13 or 76:15-a or 76:15-b to the contrary:

I. Interest on tax deferrals for the elderly and disabled granted pursuant to RSA 72:38-a will accrue at 5 percent beginning 30 days after the issuance of the municipality's final tax bill.

II. No interest shall be charged on any taxes abated pursuant to RSA 76 on the grounds of poverty or hardship and inability to pay.

III. No interest shall be charged on that portion of taxes of any residential property for which an exemption or tax credit is granted pursuant to RSA 72.

16 Application Procedure. Amend RSA 76:16 to read as follows:

76:16 By Selectmen or Assessors.

I. Selectmen or assessors, for good cause shown, may abate any tax assessed by them or by their predecessors, including any portion of interest accrued on such tax. Any person aggrieved by the assessment of a tax and who has complied with the requirements of RSA 74, may, [within 2 months after notice of the tax] *by March 1, following the notice of tax date under RSA 76:1-a*, and not afterwards, apply in writing on the form set out in paragraph III to the selectmen or assessors for an abatement of the tax. ["Notice of the tax" means the date the board of tax and land appeals determines to be the last date of mailing of the final tax bill by the taxing district.] The municipality may charge the taxpayer a fee to cover the costs of the form required by paragraph III.

II. Upon receipt of an application under paragraph I, the selectmen or assessors shall review the application and *shall* grant or deny the application in writing [within 6 months after notice of such tax, and failure to do so shall constitute a denial,] *by July 1 after notice of tax date under RSA 76:1-a*, except that in the effective year of a property reevaluation, municipalities having 9,000 or more parcels shall have an additional 2 months to respond to appeals. *The*

*failure to respond shall constitute denial. All such written decisions shall be sent by first class mail to the taxpayer and shall include a notice of the appeal procedure under RSA 76:16-a and RSA 76:17 and of the deadline for such an appeal. The department of revenue administration shall prepare a form for this purpose. Municipalities may, at their option, require the taxpayer to furnish a self-addressed envelope with sufficient postage for the mailing of this written decision.*

III. The abatement application form shall be prescribed by the board of tax and land appeals. The form shall include the following and such other information deemed necessary by the board:

(a) Instructions on completing and filing the form, including an explanation of the grounds for requesting [an abatement for good cause and including the filing deadlines] *tax abatements, including abatements for poverty and inability to pay pursuant to RSA 76.*

(b) Sections for information concerning the person applying, the property for which the abatement is sought and other properties in the municipality owned by the person applying.

(c) A section concerning compliance with the RSA 74 inventory requirement.

*(d) A section explaining the appeal procedure and stating the appeal deadline in the event the municipality denies the tax relief request in whole or part.*

[(d)] (e) A section requiring the [person applying] *applicant* to state with specificity the reasons supporting the abatement request with an explanation of what specificity means.

[(e)] (f) A section for the [person applying] *applicant* to list any comparable properties supporting [the] *an* abatement request.

[(f)] (g) A place for the [applying person's] *applicant's* signature with a certification by the person applying that the application has a good faith basis and the facts in the application are true.

[(g) A section for the municipality to state and sign its decision.]

IV. Failure to use the form prescribed in paragraph III shall not affect the right to seek [an abatement] *tax relief.*

17 Uniform Appeal Procedure to Board of Tax and Land Appeals. Amend RSA 76:16-a, I to read as follows:

I. [After] *If* the selectmen neglect or refuse to so abate, in accordance with RSA 76:16, any person aggrieved, having complied with the requirements of RSA 74, upon payment of a \$65 filing fee, may apply in writing to the board of tax and land appeals. The appeal shall be filed [within 8 months after notice of the tax] *on or before September 1 after the notice of tax date under RSA 76:1-a*, and not afterwards, unless the municipality has an additional 2 months to respond to the appeal as provided in RSA 76:16, II, in which case the appeal shall be filed [within 10 months after notice of the tax] *by November 1 following the notice of tax date under RSA 76:1-a*. The board, after inquiry and investigation, shall hold a hearing if requested as provided in this section and shall make such order thereon as justice requires; and such order shall be enforceable as provided hereafter. ["Notice of the tax" means the date the board of tax and land appeals determines to be the last date of mailing of the final tax bill by the taxing district.] *If the appeal is filed before July 1* the person aggrieved shall state in [its] *the* appeal to the board [either] the date of the municipality's decision on the RSA 76:16 application[, or that 6 months has passed since the notice of the tax and that the municipality failed to issue a decision in accordance with RSA 76:16].

18 New Section; Extensions of Applications. Amend RSA 76 by inserting after section 16-c the following new section:

76:16-d Extensions of Application, Reply and Appeal Deadlines.

I. Two months shall be added to the deadlines in RSA 72:34, IV and RSA 72:34-a in the effective year of a property revaluation for towns having 9,000 or more parcels.

II. In towns with notice of tax dates, as defined in RSA 72:1-d and RSA 76:1-a, after December 31, the uniform deadlines in exemption, deferral, and taxation applications, replies and appeals statutes, including RSA 72:33, 34, 34-a, 38-a, RSA 76:16, 16-a, 17 and RSA 79-A:10, shall be as follows:

(a) Taxpayer's initial application for exemption, deferral, or abatement within 2 months of notice of tax date.

(b) Town's response to the application within 6 months of notice of tax date.

(c) Taxpayer's appeal within 8 months of notice of tax date.

19 Uniform Appeals Procedure to Superior Court. Amend RSA 76:17 to read as follows:

76:17 By Court. [After] *If* the selectmen neglect or refuse so to abate, any person aggrieved, having complied with the requirements of RSA 74, may, in lieu of appealing pursuant to RSA 75:16-a, apply by petition to the superior court in the county, which shall make such order thereon as justice requires. The appeal shall be filed [within 8 months after "notice of the tax,"] ***on or before September 1 following the notice of tax date under RSA 76:1-a***, and not afterwards, unless the municipality has an additional 2 months to respond to the appeal as provided in RSA 76:16, II, in which case the appeal shall be filed [within 10 months after notice of the tax] ***by November 1 following the notice of tax date under RSA 76:1-a***. ["Notice of the tax" means the date the board of tax and land appeals determines to be the last date of mailing of the final tax bill by the taxing district.] ***If the appeal is filed before July 1 the notice of tax date the person aggrieved shall state in the appeal to the court the date of the municipality's decision on the RSA 76:16 application.***

20 Repeal. RSA 72:33, IV, relative to applications for exemptions and tax credits, is repealed.

21 Applicability. This act shall not apply to municipal property taxes assessed prior to the effective date of this act.

22 Effective Date. This act shall take effect January 1, 1996.

**SB 74**, exempting certain aspects of the radiological health program from the format requirements of the rulemaking process. **OUGHT TO PASS WITH AMENDMENT**

Rep. Bernard D. Lamach for Science, Technology and Energy: This bill allows for direct adoption of the rules for handling radiological materials as established by the U.S. Nuclear Regulatory Commission without the need, or expense to renumber or reformat to conform to the N.H. uniform system. This will insure compatibility between state and federal criteria, and will provide for timely licensing of affected groups. Vote 14-0.

#### **Amendment (2271L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

exempting certain aspects of the radiological health program from drafting and numbering requirements of the rulemaking process.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court finds that, since 1966, New Hampshire has exercised authority transferred from the United States Nuclear Regulatory Commission to regulate radioactive materials within the state. In doing so the division of public health services, department of health and human services, the state's regulatory agency for radioactive materials, must use the criteria established by the United States Nuclear Regulatory Commission at 10 CFR and 21 CFR. The state's rulemaking process, relative to the drafting and numbering requirements for rules under RSA 541-A, is incompatible with the timely adoption of the criteria established by the United States Nuclear Regulatory Commission as federal regulations. The general court therefore finds that, in order to assure compatibility between federal and state regulatory criteria for radioactive materials and for the timely licensing of radioactive materials used by academic institutions, businesses and industries, the rules of the division of public health services relative to the regulation of radioactive materials should be exempted from the drafting and numbering requirements of RSA 541-A.

2 New Paragraph; Rulemaking Exempt. Amend RSA 541-A:21 by inserting after paragraph III the following new paragraph:

IV. Rules adopted under RSA 125-F:5, IV and V, RSA 125-F:7, RSA 125-F:8, RSA 125-F:8-a, III, and RSA 125-F:22, III, to conform to 10 CFR and 21 CFR shall be exempt from the uniform system of numbering and drafting rules required by 1994, 412:52 and the drafting and numbering requirements of RSA 541-A:8. These rules shall be in compliance with RSA 541-A:7 if the wording is consistent with the language of the corresponding federal regulations.

3 Repeal. RSA 541-A:21, IV, relative to exempting certain rules from drafting and numbering requirements, is repealed.

4 Effective Date.



I. Section 3 of this act shall take effect July 1, 1999.

II. The remainder of this act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill exempts certain rules adopted for the radiological health program by the division of public health services from the drafting and numbering requirements of RSA 541-A.

**SB 86**, relative to indoor air quality in state buildings. OUGHT TO PASS WITH AMENDMENT

Rep. Jeffrey C. MacGillivray and Clifton C. Below for Science, Technology and Energy: This bill as amended, clarifies the Indoor Clean Air Chapter. It expands indoor clean air standards for state leased buildings to include renewal leases as well as initial leases. This bill also permits less stringent testing requirements for buildings previously tested, and very small or short-term leases. Vote 15-0.

### Amendment (2335L)

Amend the bill by replacing all after the enacting clause with the following:

1 Clean Air Required. RSA 10-B:2, I is repealed and reenacted to read as follows:

I. The director of plant and property management, department of administrative services, or any other state agency authorized to build, acquire, or lease office space, shall require that the following facilities meet clean air standards before they may be used for any state purposes, other than storage:

(a) After January 1, 1989, any new state building, any existing building acquired by the state, any building space leased by the state for the first time, or any building bequeathed to the state; and

(b) After January 1, 1996, any building space leased by the state either in an original or renewal lease.

2 Less Stringent Testing Requirements. Amend RSA 10-B:2, II and III to read as follows:

II. The division of public health services, department of health and human services, shall be responsible for certification in writing to the director of plant and property management or other appropriate state agency head that the buildings listed under paragraph I meet the clean air standards. *Notwithstanding any provision of this chapter, the division may establish testing requirements for building space previously certified under this chapter which are less stringent than testing for building space not previously certified. Similar less stringent testing requirements may also be established for very small or short-term leases or both.*

III. [Any person entering into an initial] *If the state enters into a* lease for any building listed under paragraph I which does not meet the clean air standards, *the state* may terminate such lease.

3 Rulemaking Added. Amend RSA 10-B:3, III(c) to read as follows:

*(c) Criteria for less stringent testing and definitions of very small and short-term leases under RSA 10-B:2, II.*

[(c)] (d) Any other matter necessary to the administration of this chapter.

4 Compliance With Chapter. Amend RSA 10-B:4, II to read as follows:

II. The governor and council, upon recommendation by the director of plant and property management or other state agency authorized to build, acquire, or lease office space, may suspend the enforcement of all or part of this chapter or any rule adopted under it upon finding that an emergency or hardship exists which makes compliance with the provisions of this chapter [unfeasible] *unreasonable*.

5 Effective Date. This act shall take effect January 1, 1996.

### AMENDED ANALYSIS

This bill allows the division of public health services to establish less stringent testing requirements for building space previously certified under the indoor air quality law.

The bill also requires that air quality requirements must be met in building space leased by the state in a renewal lease.

**SB 170-FN**, establishing a pilot project to develop a computer network allowing access to certain information within the state of New Hampshire. OUGHT TO PASS

Rep. Godfrey G. Howard for Science, Technology and Energy: This bill establishes a pilot project, the "Laboratory for New Ideas in Information Technology", to develop a local and state-wide computer network which would allow efficient access to public, non-proprietary information within New Hampshire. The project will be managed within the N.H. Department of Employment Security and will not require state funding, being paid for by a combination of private donations and federal funds. It will be overseen by a review committee and will "sunset" on June 30, 1998. Vote 18-0.

### REGULAR CALENDAR

**SB 13**, deleting the bank commissioner's authority to adopt rules regarding the conversion of credit unions from mutual to stock form. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric N. Lindblade for Commerce, Small Business, Consumer Affairs and Economic Development: This bill amends RSA 394-A:10. Regulation has occurred at the national level establishing procedures to insure the participation and consent of the membership to any proposed conversion. The bank commissioner testified in support of this measure. The amendment addresses any state-chartered credit union which has filed an application to convert prior to the effective date of the act. Vote 15-4.

#### Amendment (2338L)

Amend the bill by replacing all after section 1 with the following:

2 Applicability. This act shall not apply to any state-chartered credit union which has filed an application with federal or state regulatory authorities to convert or reorganize from a state-chartered credit union into any other form of federal or state bank or savings association charter prior to the effective date of the act. Any reorganization involving a dissolution of a state-chartered credit union under RSA 394-B:51 and 394-B:52 and the transfer of its assets, liabilities and net worth to a state or federally chartered bank or savings association organized for the purpose of the reorganization shall be permitted if an application to reorganize has been filed with federal or state regulatory authorities prior to the effective date of this act.

3 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted and ordered to third reading.

**SB 56-FN**, allowing lenders to provide copies of loan documents marked "paid in full" or "cancelled" upon full repayment of closed-end loans. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric N. Lindblade for Commerce, Small Business, Consumer Affairs and Economic Development: This bill provides for the use of optical imaging to provide evidence of repayment of a closed end loan, where the original document is not readily available. If the original is retained by the lender, it must upon request, be returned to the borrower within a reasonable time. Vote 18-3.

#### Amendment (2353L)

Amend the bill by replacing sections 1-4 with the following:

1 Copies Permitted. Amend RSA 399-A:5, I(d) to read as follows:

(d) Upon repayment of a closed-end loan in full, mark plainly every note or other evidence of the indebtedness or assignment signed by an obligor *or a copy of any of the foregoing documents* with the words "PAID IN FULL" or "CANCELLED" and release or provide the borrower evidence to release any mortgage or security instrument no longer securing any indebtedness to the licensee. *If the original is retained by the lender, the original shall be returned within a reasonable period of time upon the written request of the borrower;*

2 New Paragraph; First Mortgage Loans; Copies Permitted. Amend RSA 397-A:15 by inserting after paragraph VI the following new paragraph:

VII. Upon payment in full of the outstanding principal, interest and other charges due on a first mortgage loan, the holder shall mark plainly the note or a copy thereof with the words "PAID IN FULL" or "CANCELLED" and release or provide the borrower evidence to release any mortgage or security instrument no longer securing any indebtedness to the holder. If the original is retained by the lender, the original shall be returned within a reasonable period of time upon the written request of the borrower.

3 New Paragraph; Second Mortgage Loans; Copies Permitted. Amend RSA 398-A:2 by inserting after paragraph VI the following new paragraph:

VII. Upon payment in full of the outstanding principal, interest and other charges due on a second mortgage loan, the holder shall mark plainly the note or a copy thereof with the words "PAID IN FULL" or "CANCELLED" and release or provide the borrower evidence to release any mortgage or security instrument no longer securing any indebtedness to the holder. If the original is retained by the lender, the original shall be returned within a reasonable period of time upon the written request of the borrower.

4 New Section; Bank Loans; Copies Permitted. Amend RSA 384 by inserting after section 16-f the following new section:

384:16-g Payment of Note. Upon payment in full of the outstanding principal, interest and other charges due on any loan made by any bank or subsidiary, the bank or subsidiary, or the assignee or successor in interest thereto, if any, shall mark plainly the note or a copy thereof with the words "PAID IN FULL" or "CANCELLED" and release or provide the borrower evidence to release any mortgage or security instrument no longer securing any indebtedness to the bank or subsidiary, or the assignee or successor in interest thereto, if any. If the original is retained by the lender, the original shall be returned within a reasonable period of time upon the written request of the borrower.

Adopted.

Report adopted and ordered to third reading.

**SB 57-FN**, requiring the department of resources and economic development, the office of state planning, Pease development authority, and the business finance authority to make annual reports on their economic development programs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Warren Henderson for Commerce, Small Business, Consumer Affairs and Economic Development: This bill contains two effective tools to measure the effectiveness and accountability of economic development programs. It calls for an annual analysis of state loan and grant programs administered by the Business Finance Authority, Office of State Planning, Pease Development Authority, and DRED, which will include assessments of the number of jobs created or saved and related wages and benefits levels, so the value of the program can be determined. The bill also forms a committee to review the Pease Development Authority and examine what is working and what could be improved. The committee will be made up of four House members from the Commerce Committee, one House member from the Finance Committee, four Senators from the Economic Development Committee and one Senator from the Finance Committee, assuring that both policy and fiscal issues will be addressed. The committee will assess the viability of the PDA and examine alternatives such as privatization, conversion to a state agency and alternative management structures. The committee will report back to the Legislature by November 1, 1995. Vote 19-0.

#### **Amendment (2333L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

requiring the department of resources and economic  
development, the office of state planning,

Pease development authority, and the business finance authority to make annual reports on  
their economic development programs and establishing a committee  
to study the Pease development authority.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Office of State Planning; Report on Economic Development Program  
Loans and Grants. Amend RSA 4-C by inserting after section 6 with the following new subdivision:

#### **Reports on Economic Development Loans and Grants**

4-C:6-a Reports on Economic Development Program Loans and Grants.

I. The office of state planning shall include, as part of its annual report or as a separate report published and made available to the public annually on or before September 1, beginning September 1, 1996, the following information regarding each economic development pro-

gram for which state grants and loans have been awarded:

(a) Information regarding the number of jobs to be created or saved as a result of the award, and the related wages and benefits levels.

(b) The growth potential of the program.

(c) The environmental impact of the program.

(d) The amount of the loan, grant, loan guarantee, bond guarantee, or tax incentives awarded.

II. The annual report shall also include information regarding the criteria for the awarding of economic development assistance and the means by which the office tracks the progress which each awardee makes in meeting the job, wage, and benefit projections included in its application for assistance.

2 New Subdivision; Department of Resources and Economic Development; Report on Economic Development Program Loans and Grants. Amend RSA 12-A by inserting after section 32 the following new subdivision:

#### Reports on Economic Development Loans and Grants

##### 12-A:33 Reports on Economic Development Program Loans and Grants.

I. The department of resources and economic development shall include, as part of its annual report or as a separate report published and made available to the public annually on or before September 1, beginning September 1, 1996, the following information regarding each economic development program for which state grants and loans have been awarded:

(a) Information regarding the number of jobs to be created or saved as a result of the award, and the related wages and benefits levels.

(b) The growth potential of the program.

(c) The environmental impact of the program.

(d) The amount of the loan, grant, loan guarantee, bond guarantee, or tax incentives awarded.

II. The annual report shall also include information regarding the criteria for the awarding of economic development assistance and the means by which the department tracks the progress which each awardee makes in meeting the job, wage, and benefit projection included in its application for assistance.

12-A:34 Review of Reports Required. For the purpose of ensuring comparability of impact reports on economic development programs issued under RSAs 4-C:6-a, 12-A:33, 12-G:26-a, and 162-A:23-a, the department of resources and economic development, in consultation with the legislative budget assistant, shall periodically review such reports at least once every 5 years and make recommendations to be utilized by the agencies making such reports for an improved and consistent methodology for assessing the quantity and quality of jobs created and saved and the growth potential and environmental impacts of such programs.

12-A:35 Limitation. This subdivision shall not apply to state loans or state loan guarantees of less than \$250,000, or to state guarantees of less than \$50,000.

3 New Section; Pease Development Authority; Reports on Economic Development Programs. Amend RSA 12-G by inserting after section 26 the following new section:

##### 12-G:26-a Reports on Economic Development Programs.

I. The authority shall include, as part of its annual report or as a separate report published and made available to the public annually on or before September 1, beginning September 1, 1996, the following information regarding each economic development program funded, bonded, or guaranteed by the authority:

(a) Information regarding the number of jobs to be created or saved and the related wages and benefits levels.

(b) The growth potential of the program.

(c) The environmental impact of the program.

(d) The amount of the loan, grant, loan guarantee, bond guarantee, or tax incentives awarded.

II. The annual report shall also include information regarding the criteria for the awarding of economic development assistance and the means by which the authority tracks the progress which each awardee makes in meeting the job, wage, and benefit projection included in its

application for assistance.

4 New Section; Business Finance Authority; Reports on Economic Development Programs. Amend RSA 162-A by inserting after section 23 the following new section:

162-A:23-a Reports on Economic Development Programs.

I. The authority shall include, as part of its annual report or as a separate report published and made available to the public annually on or before September 1, beginning September 1, 1996, the following information regarding each economic development program funded, bonded, or guaranteed by the authority:

(a) Information regarding the number of jobs to be created or saved and the related wages and benefits levels.

(b) The growth potential of the program.

(c) The environmental impact of the program.

(d) The amount of the loan, grant, loan guarantee, bond guarantee, or tax incentives awarded.

II. The annual report shall also include information regarding the criteria for the awarding of economic development assistance and the means by which the authority tracks the progress which each awardee makes in meeting the job, wage, and benefit projections included in its application for assistance.

5 Committee Established.

I. There is established a committee to study the Pease development authority. Specifically, the committee shall study all relevant information, including, but not limited to:

(a) Alternative methods of accomplishing the functions now covered by the authority.

(b) Privatization of the Pease development authority.

(c) Conversion of the authority into a state agency.

(d) Review of the management structure.

II. The committee shall consist of the following members:

(a) Five house members, 4 members from the house commerce, small business, consumer affairs and economic development committee and one member from the house finance committee, appointed by the speaker of the house.

(b) Five senators, 4 senators from the senate economic development committee and one senator from the senate finance committee, appointed by the senate president.

6 Appointments; Meetings; Mileage. Appointments of members under section 5 of this act shall be made within 30 days of the effective date of this act. The first-named house member shall call the first meeting of the committee within 60 days of the effective date of this act. The members shall elect a chairperson from among the membership at the first meeting. Legislative members shall receive mileage at the legislative rate for attending to duties of the committee.

7 Report. The committee shall submit a report of its findings, including any recommendations for legislation, to the speaker of the house, the senate president, the house clerk, the senate clerk, the state library, the chairpersons of the house commerce, small business, consumer affairs and economic development committees and the senate economic development committee and the governor by November 1, 1995.

8 Effective Date.

I. Sections 5-8 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill requires the department of resources and economic development, the office of state planning, Pease development authority and the business finance authority to make annual reports on their economic development programs.

The bill also establishes a committee to study the Pease development authority.

Adopted.

Report adopted and ordered to third reading.

**SB 113**, relative to payment of rent during a tenant's appeal period. INEXPEDIENT TO LEGISLATE

Rep. Elizabeth L. Crory for Commerce, Small Business, Consumer Affairs and Economic Development: Present law provides a clearer mechanism for payment of rent when an eviction appeal is awaiting final disposition than the proposed bill would provide. Vote 18-3.

Adopted.

**SB 139-FN**, relative to a life and health insurance guaranty association. **OUGHT TO PASS WITH AMENDMENT**

Rep. John B. Hunt for Commerce, Small Business, Consumer Affairs and Economic Development: This bill is model legislation dealing with insolvency of life and health insurers. The current law is outdated, but this new law will only effect any companies that become insolvent after January 1, 1995. Vote 21-0.

**Amendment (2342L)**

Amend the introductory paragraph of RSA 408-B:4, VIII as inserted by section 1 of the bill by replacing it with the following:

VIII. "Member insurer" means any insurer licensed or which holds a certificate of authority to transact in this state any kind of insurance for which coverage is provided under RSA 408-B:5, and includes any insurer whose license or certificate of authority in this state may have been suspended, revoked, not renewed or voluntarily withdrawn, but does not include:

Adopted.

Report adopted and ordered to third reading.

**SB 155-FN**, relative to the applicability of RSA 420-H, explanation of benefits. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Beverly A. Gage for the Majority of Commerce, Small Business, Consumer Affairs and Economic Development: RSA-420-H was created by SB 518 (1994 Legislative Session). The purpose of this new chapter is to require all insurers to provide information concerning covered services in clear and simple language with an easily understandable schedule of payments for services covered. The statute requires excluding limitations on benefits, information on co-payments or deductibles, and information on the credentials of any health care provider in a provider network held out as specialists. This information must be supplied to all current and potential enrollees. SB 155 as adopted by the Senate, would change the date of application to January 1, 1996. The amendments offered to the subcommittee would have amended RSA 420-H, adding new sections to a statute not yet in effect. The majority of the committee feels we should let RSA 420-H become law before amending it. Vote 11-10.

Rep. Martha Fuller Clark for the Minority of Commerce, Small Business, Consumer Affairs and Economic Development: The Minority had prepared an amendment which was never considered by the full committee due to an 11-10 OTP vote on the bill, eliminating the opportunity for any discussion or vote on the amendment. This amendment provided that important consumer information on the type of financial arrangement that exists between the insurer and the provider be included as part of RSA 420-H Explanation of Benefits. Patients are entitled to such disclosure so that they better understand, physicians' decisions regarding treatment and procedures may be affected by insurance. Nothing in the amendment required specific financial arrangements between the insurer and the provider be released. This amendment deserves to be heard.

**Amendment (2498L)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Definitions. Amend RSA 420-H:2 by inserting after paragraph IV the following new paragraphs:

V. "Capitation" means a predetermined incremental insurance payment made to a provider for each subscriber, enrollee or member who is assigned to that provider regardless of the cost and frequency of actual services provided.

VI. "Fee-for-service" means an insurance payment to a provider based on the service provided.

VII. "Provider" means a physician, hospital, pharmacy, laboratory, or other state licensed or otherwise state recognized provider of health care services or supplies.

VIII. "Withholding" means that percentage of the provider's fee or capitation payment that is withheld by the insurer to create an incentive for efficient care.

2 Information Requirements. Amend the introductory paragraph of RSA 420-H:4 to read as follows:

**Prospective enrollees**, enrollees, subscribers, certificate holders, and individual insureds shall

receive *upon request*, in simple and concise written language at least the following information:

3 New Paragraph; Information Concerning Financial Arrangements. Amend RSA 420-H:4 by inserting after paragraph V the following new paragraph:

VI. A description of the type of financial arrangement that the insurer has with the provider including but not limited to capitation, fee-for-service, fee schedule and withholding.

4 Applicability of RSA 420-H. Amend 1994, 359:2 to read as follows:

359:2 Applicability. This act shall apply to all policy forms filed on or after January 1, [1997] 1996. No policy form shall be delivered or issued for delivery in New Hampshire on or after January 1, 2000, unless approved by the commissioner or permitted to be issued under this act. Any policy form which has been approved or permitted to be issued prior to January 1, 2000, and which meets the standards set by this act need not be refiled for approval, but may continue to be lawfully delivered or issued for delivery in this state upon the filing with the commissioner of a list of such forms identified by form number and accompanied by a certificate as to each such form in the manner provided in RSA 420-H:5, IV.

5 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill changes the date on which RSA 420-H is applicable to all insurance policy forms from January 1, 1997, to January 1, 1996.

The bill also requires insurers, upon request of a prospective enrollee, enrollee, certificate holder, or individual insured, to provide a description of its financial arrangements with providers.

The question being the adoption of the minority amendment.

Rep. Fuller Clark spoke in favor.

Reps. Gage and Bonnie Packard spoke against and yielded to questions.

Rep. Hunt requested a roll call; sufficiently seconded.

### YEAS 134 - NAYS 188

#### YEAS 134

#### BELKNAP

Rice, Thomas, Jr.

Smith, Linda

#### CARROLL

Babson, David, Jr.

Lyman, L. Randy

#### CHESHIRE

Avery, Stephen  
Kingsbury, H. Thayer  
Pratt, Irene  
Wollner, Robert

Champagne, Richard  
Lynch, Margaret  
Riley, William

DePecol, Benjamin  
McGuirk, Paul  
Robertson, Timothy

Delano, Robert  
Metzger, Katherine  
Russell, Ronald

#### COOS

Bradley, Paula  
Mayhew, Josephine

Coulombe, Henry  
Mears, Edgar

Davis, Perley  
Pratt, Leighton

Hawkinson, Marie

#### GRAFTON

Below, Clifton  
Lovett, Sidney

Copenhaver, Marion  
Nordgren, Sharon

Crory, Elizabeth  
Phinney, William

Guest, Robert  
Tucker, John

#### HILLSBOROUGH

Ahern, Richard  
Cepaitis, Elizabeth  
Dokmo, Cynthia  
Gotham, Rita  
Herman, Keith

Belvin, William  
Champagne, Norma  
Drabinowicz, A. Theresa  
Haettenschwiller, Alphonse  
Holley, Sylvia

Bergeron, Normand  
Cote, David  
Dwyer, Paul, Sr.  
Hallyburton, Margaret  
Hunter, Bruce

Buckley, Raymond  
Cote, Peter  
Francoeur, Gary  
Hart, Nick  
Jean, Claudette

Johnson, Lionel  
Luebker, Bernard  
Perkins, Paul  
Streeter, Janice  
Wheeler, Craig  
Wright, George

Kirby, Thomas  
Marcinkowski, Michael  
Philbrook, Paula  
Taylor, Paul  
White, Donald

L'Heureux, Robert  
Melcher, Harold  
Reidy, Frank  
Toomey, Kathryn  
White, John

Lefebvre, Roland  
O'Rourke, Joanne  
Soucy, Richard  
Turgeon, Roland  
Worthen, Dorothy

### MERRIMACK

Chandler, Charles  
DeStefano, Stephen  
Lamach, Bernard  
Trombly, Rick

Coughlin, Anne  
Dunn, Miriam  
MacKay, James  
Wallner, Mary Jane

Crosby, Toni  
Fraser, Marilyn  
Moore, Carol  
Yeaton, Charles

Daneault, Gabriel  
Jacobson, Alf  
Rogers, Katherine

### ROCKINGHAM

Abbott, Dennis  
Clark, Vivian  
Flanders, David  
Langley, Jane  
Splaine, James

Bishop, Franklin  
Coes, Betsy  
Hurst, Sharleene  
McGovern, Cynthia  
Syracusa, Anthony

Christie, Andrew, Jr.  
Crossman, Harold, Jr.  
Kane, Cecelia  
Pantelakos, Laura  
Vaughn, Charles

Clark, Martha  
Dowling, Patricia  
Kelley, Jane  
Pratt, Katharin

### STRAFFORD

Berube, Roger  
Chagnon, Ronald  
Hilliard, Dana  
Merrill, Amanda  
Sullivan, Henry  
Williams, Howard

Brown, George  
Grassie, Anne  
Keans, Sandra  
Merritt, Deborah  
Tessimond, Shane

Brown, Julie  
Hambrick, Patricia  
Knowles, William  
Pelletier, Arthur  
Wall, Janet

Callaghan, Frank  
Hemon, Roland  
Loder, Suzanne  
Snyder, Clair  
Wheeler, Katherine

### SULLIVAN

Allison, David  
Stettenheim, Sandy

Cloutier, John  
Whipple, Allen

Lindblade, Eric

Palmer, Lorraine

### NAYS 188

### BELKNAP

Bartlett, Gordon  
Lawton, David  
Turner, Robert

Boriso, Thomas  
Lawton, Robert  
Wendelboe, Francine

Golden, Paul  
Rosen, Ralph  
Ziegra, Alice

Holbrook, Robert  
Thomas, John

### CARROLL

Beach, Mildred  
Dickinson, Howard, Jr.  
Patten, Betsey

Bradley, Jeb  
Howard, Godfrey  
Philbrick, Donald

Chandler, Gene  
Kenney, Joseph

Cooper, Kipp  
Mock, Henry

### CHESHIRE

Cole, Stacey  
McNamara, Wanda

Feuer, Joseph  
Royce, H. Charles

Hunt, John  
Steere, Myron, III

Laurent, John

### COOS

Coulombe, Yvonne  
St. Hilaire, Paul

Guay, Lawrence

Horton, Lynn

Merrill, Gerald

### GRAFTON

Adams, Carl  
Hill, Richard  
Mirski, Paul  
Williams, William, Jr.

Brown, Alson  
LaMott, Paul  
Scanlan, David

Chase, Paul, Jr.  
Larson, Nils, Jr.  
Teschner, Douglass

Guaraldi, Lawrence  
MacNeil, Allen  
Trelfa, Richard



**HILLSBOROUGH**

Aksten, Cheryl  
 Arnold, Thomas, Jr.  
 Chabot, Robert  
 Dodge, Emma  
 Emerton, Lawrence, Sr.  
 Hansen, Herbert  
 Jean, Loren  
 Laughlin, J. Francis  
 MacGillivray, Jeffrey  
 McRae, Karen  
 Morello, Michael  
 Pepino, Leo  
 Searles, Stanley, Sr.

Alukonis, David  
 Brundige, Robert  
 Clegg, Robert, Jr.  
 Durham, Susan  
 Fenton, James  
 Holden, Carol  
 Kelley, Robert  
 Legacy, Earl  
 MacIntyre, Doris  
 Mercer, Robert  
 O'Hearn, Jane  
 Peters, Stanley  
 Sullens, Joan

Amidon, Eleanor  
 Burke, M. Virginia  
 Daniels, Gary  
 Dyer, Merton  
 Gagnon, Eugene  
 Holt, David  
 Kurk, Neal  
 Letendre, Evelyn  
 McCarty, Winston  
 Messier, Irene  
 Packard, Bonnie  
 Sallada, Roland  
 Thulander, O. Alan

Andrews, Frederick  
 Calawa, Leon, Jr.  
 Desrosiers, William  
 Dykstra, Leona  
 Gibson, John  
 Holt, Mark  
 LaRose, Richard  
 Lozeau, Donnalee  
 McMahon, Donald  
 Mittelman, David  
 Pappas, Marc  
 Sargent, Maxwell  
 Wheeler, Robert

**MERRIMACK**

Barberia, Richard  
 Chandler, John  
 Kennedy, Richard  
 Nichols, Avis  
 Shaw, Randall  
 Whittemore, James

Brown, Mary  
 Crowell, Peter  
 Little, Michael  
 Patenaude, Amy  
 Warner, Richard  
 Willis, Jack

Buessing, Marjorie  
 Feuerstein, Martin  
 Lockwood, Robert  
 Pfaff, Terence  
 Weeks, John, Jr.

Chandler, Earle  
 Holmes, Mary  
 Morrill, Olive  
 Pitman, Mary Ellen  
 Whalley, Michael

**ROCKINGHAM**

Aranda, M. Kathryn  
 Belanger, Ronald  
 Case, Margaret  
 Dowd, Sandra  
 Fesh, Robert  
 Gargiulo, Louis  
 Henderson, Warren  
 Klemm, Arthur, Jr.  
 Lupien, James  
 Moore, Benjamin  
 Putnam, Ed, II  
 Scanlon, Edward  
 Tufts, J. Arthur  
 Yennaco, Carol

Attar, Kevin  
 Boucher, William  
 Conroy, Janet  
 Dube, LeRoy  
 Flanagan, Natalie  
 Gleason, John  
 Johnson, Robert  
 Kobel, Rudolph  
 Magoon, Harold  
 Morris, Debbie  
 Raynowska, Bernard  
 Smith, Arthur  
 Weare, Everett

Battles, Marjorie  
 Camm, Kevin  
 Dodge, Robert  
 Dunham, Vivian  
 Flanders, John, Sr.  
 Goddard, Warren  
 Katsakiores, George  
 Lee, Rebecca  
 Malcolm, Ken  
 Nowe, Ronald  
 Ross, James  
 Stritch, C. Donald  
 Welch, David

Beaulieu, Jon  
 Carson, Gregory  
 Dolan, Richard  
 Felch, Charles, Sr.  
 Gage, Beverly  
 Hawkins, Robert  
 Katsakiores, Phyllis  
 Lovejoy, Marian  
 McKinney, Betsy  
 Noyes, Richard  
 Rubin, George  
 Sytek, Donna  
 Weyler, Kenneth

**STRAFFORD**

Douglass, Clyde  
 Musler, George

Dunlap, Patricia  
 Spear, Barbara

Hanlon, Mark  
 Torr, Ann

McKinley, Robert  
 Wasson, Richard

**SULLIVAN**

Adler, Rudolf  
 Peyron, Fredrik

Behrens, Thomas  
 Schotanus, Merle

Flint, Gordon  
 Scott, Robert

Krueger, Richard

and the amendment failed.

Majority report adopted and ordered to third reading.

Rep. Frances Riley did not vote and wished to be recorded against.

**SB 101**, prohibiting the distribution of all forms of birth control to minors in public schools without parental consent. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Susan B. Durham for Majority of Education: The majority of the committee feels it is not the place of the state to legislate local issues nor is it the place of the state to decide whether or not to allow the distribution of birth control devices in our schools. The debate on this issue should be held and decided locally. Vote 10-7.

Reps. Robert E. McKinley, Marjorie B. Buessing, O. Alan Thulander, George W. Wright, Michael F. Marcinkowski and John J. Laurent for the Minority of Education: The legislature must take a positive stand to insure parents recognize and act on their responsibilities. This will insure local control and stop the trend toward the school system assuming the responsibilities that should be that of the parents.

Reps. Thulander and McKinley spoke against.

Rep. Durham spoke in favor.

Reps. Wright and Goddard spoke against and yielded to questions.

Reps. Richard Champagne and Searles spoke in favor and yielded to questions.

Rep. Vaughn yielded to questions.

Rep. McKinley requested a roll call; sufficiently seconded. The question being the adoption of the Majority report.

## YEAS 226 - NAYS 102

### YEAS 226

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Holbrook, Robert	Thomas, John
Turner, Robert	Ziegler, Alice		

#### CARROLL

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cooper, Kipp	Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph
Mock, Henry	Patten, Betsey	Philbrick, Donald	

#### CHESHIRE

Avery, Stephen	Champagne, Richard	DePecol, Benjamin	Kingsbury, H. Thayer
Lynch, Margaret	McGuirk, Paul	McNamara, Wanda	Metzger, Katherine
Pratt, Irene	Riley, William	Robertson, Timothy	Royce, H. Charles
Russell, Ronald	Steere, Myron, III	Wollner, Robert	

#### COOS

Coulombe, Henry	Davis, Perley	Guay, Lawrence	Hawkinson, Marie
Horton, Lynn	Mayhew, Josephine	Mears, Edgar	Merrill, Gerald
Pratt, Leighton			

#### GRAFTON

Adams, Carl	Below, Clifton	Brown, Alson	Brown, Channing
Chase, Paul, Jr.	Copenhaver, Marion	Cory, Elizabeth	Guaraldi, Lawrence
Guest, Robert	Hill, Richard	LaMott, Paul	Larson, Nils, Jr.
Lovett, Sidney	Nordgren, Sharon	Phinney, William	Scanlan, David
Teschner, Douglass	Trelfa, Richard	Williams, William, Jr.	

#### HILLSBOROUGH

Ahern, Richard	Aksten, Cheryl	Alukonis, David	Amidon, Eleanor
Belvin, William	Brundige, Robert	Buckley, Raymond	Calawa, Leon, Jr.
Cepaitis, Elizabeth	Champagne, Norma	Cote, David	Cote, Peter
Dodge, Emma	Dokmo, Cynthia	Drabinowicz, A. Theresa	Durham, Susan
Dwyer, Paul, Sr.	Dyer, Merton	Dykstra, Leona	Emerton, Lawrence, Sr.
Haettenschwiller, Alphonse	Hallyburton, Margaret	Hart, Nick	Holden, Carol
Holt, David	Holt, Mark	Jean, Claudette	Johnson, Lionel
Kelley, Robert	L'Heureux, Robert	LaRose, Richard	Laughlin, J. Francis
Letendre, Evelyn	Lozeau, Donnalee	MacIntyre, Doris	McCarthy, Winston
McRae, Karen	Melcher, Harold	Messier, Irene	Mittelman, David
Morello, Michael	O'Hearn, Jane	O'Rourke, Joanne	Perkins, Paul
Peters, Stanley	Philbrook, Paula	Reidy, Frank	Sallada, Roland
Sargent, Maxwell	Searles, Stanley, Sr.	Streeter, Janice	Sullens, Joan

Taylor, Paul  
Wheeler, Robert

Toomey, Kathryn  
White, Donald

Turgeon, Roland  
White, John

Wheeler, Craig

### MERRIMACK

Chandler, Charles  
Crowell, Peter  
Feuerstein, Martin  
Little, Michael  
Morrill, Olive  
Pitman, Mary Ellen  
Wallner, Mary Jane  
Yeaton, Charles

Chandler, Earle  
Daneault, Gabriel  
Fraser, Marilyn  
Lockwood, Robert  
Nichols, Avis  
Rogers, Katherine  
Warner, Richard

Coughlin, Anne  
DeStefano, Stephen  
Jacobson, Alf  
MacKay, James  
Patenaude, Amy  
Shaw, Randall  
Weeks, John, Jr.

Crosby, Toni  
Dunn, Miriam  
Lamach, Bernard  
Moore, Carol  
Pfaff, Terence  
Trombly, Rick  
Whittemore, James

### ROCKINGHAM

Abbott, Dennis  
Belanger, Ronald  
Christie, Andrew, Jr.  
Conroy, Janet  
Gage, Beverly  
Henderson, Warren  
Klemm, Arthur, Jr.  
Magoon, Harold  
Nowe, Ronald  
Rubin, George  
Tufts, J. Arthur

Aranda, M. Kathryn  
Camm, Kevin  
Clark, Martha  
Dowling, Patricia  
Gargiulo, Louis  
Hurst, Sharleene  
Kobel, Rudolph  
Malcolm, Ken  
Pantelakos, Laura  
Splaine, James  
Vaughn, Charles

Attar, Kevin  
Carson, Gregory  
Clark, Vivian  
Dube, LeRoy  
Gleason, John  
Kane, Cecelia  
Lee, Rebecca  
McGovern, Cynthia  
Raynowska, Bernard  
Stritch, C. Donald  
Weyler, Kenneth

Battles, Marjorie  
Case, Margaret  
Coes, Betsy  
Flanagan, Natalie  
Hawkins, Robert  
Kelley, Jane  
Lovejoy, Marian  
McKinney, Betsy  
Ross, James  
Syracusa, Anthony  
Yennaco, Carol

### STRAFFORD

Brown, George  
Hambrick, Patricia  
Knowles, William  
Musler, George  
Tessimond, Shane  
Wheeler, Katherine

Brown, Julie  
Hemon, Roland  
Loder, Suzanne  
Pelletier, Arthur  
Torr, Ann  
Williams, Howard

Dunlap, Patricia  
Hilliard, Dana  
Merrill, Amanda  
Snyder, Clair  
Torr, Franklin

Grassie, Anne  
Keans, Sandra  
Merritt, Deborah  
Sullivan, Henry  
Wall, Janet

### SULLIVAN

Adler, Rudolf  
Flint, Gordon  
Peyron, Fredrik

Allison, David  
Krueger, Richard  
Scholanus, Merle

Behrens, Thomas  
Lindblade, Eric  
Stettenheim, Sandy

Cloutier, John  
Palmer, Lorraine  
Whipple, Allen

### NAYS 102

### BELKNAP

Golden, Paul  
Rosen, Ralph

Lawton, David  
Smith, Linda

Lawton, Robert  
Wendelboe, Francine

Rice, Thomas, Jr.

### CARROLL

Lyman, L. Randy

### CHESHIRE

Cole, Stacey  
Laurent, John

Delano, Robert

Feuer, Joseph

Hunt, John

### COOS

Coulombe, Yvonne

St. Hilaire, Paul

### GRAFTON

MacNeil, Allen

Mirski, Paul

Tucker, John

**HILLSBOROUGH**

Andrews, Frederick	Arnold, Thomas, Jr.	Bergeron, Normand	Boutin, David
Burke, M. Virginia	Chabot, Robert	Clegg, Robert, Jr.	Daniels, Gary
Desrosiers, William	Fenton, James	Francoeur, Gary	Gagnon, Eugene
Gibson, John	Gotham, Rita	Hansen, Herbert	Herman, Keith
Holley, Sylvia	Hunter, Bruce	Jean, Loren	Kirby, Thomas
Kurk, Neal	Lefebvre, Roland	Legacy, Earl	Luebker, Bernard
MacGillivray, Jeffrey	Marcinkowski, Michael	McMahon, Donald	Mercer, Robert
Packard, Bonnie	Pappas, Marc	Pepino, Leo	Riley, Frances
Soucy, Richard	Thulander, O. Alan	Wells, Peter, Sr.	Worthen, Dorothy
Wright, George			

**MERRIMACK**

Barberia, Richard	Brown, Mary	Buessing, Marjorie	Chandler, John
Holmes, Mary	Kennedy, Richard	Whalley, Michael	Willis, Jack

**ROCKINGHAM**

Beaulieu, Jon	Bishop, Franklin	Boucher, William	Crossman, Harold, Jr.
Dodge, Robert	Dolan, Richard	Dowd, Sandra	Dunham, Vivian
Felch, Charles, Sr.	Fesh, Robert	Flanders, David	Flanders, John, Sr.
Goddard, Warren	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Langley, Jane	Lupien, James	Moore, Benjamin	Morris, Debbie
Noyes, Richard	Pratt, Katharin	Putnam, Ed, II	Scanlon, Edward
Simmons, John Anthony	Smith, Arthur	Sytek, Donna	Weare, Everett
Welch, David			

**STRAFFORD**

Berube, Roger	Callaghan, Frank	Chagnon, Ronald	Douglass, Clyde
Hanlon, Mark	McKinley, Robert	Spear, Barbara	Steadman, Frederick
Wasson, Richard			

**SULLIVAN**

Scott, Robert  
and the report was adopted.

**SB 171-FN-L**, allowing municipalities to withdraw from school administrative units and authorizing municipalities to assume SAU responsibilities. **RE-REFER TO COMMITTEE**

Rep. George W. Wright for Education: The committee feels that the issues involved in leaving an SAU must be appraised in the context of what will remain to assume the SAU duties. There is simply not enough time to adequately address these complicated issues. The committee has two companion bills, HB 299 regarding SAU budgets and HB 175 which concerns co-op school districts, already re-referred and will present legislation to the House to address the needs for more flexibility and local control in education administration through these bills for the next session. Vote 15 - 3.

Rep. Scott spoke in favor and yielded to questions.  
Adopted.

**SB 173-FN-L**, relative to foundation aid. **OUGHT TO PASS**

Rep. William A. Riley for Education: SB 173-FN-L is a compromise bill which gives to the school districts the greater sum of money they would receive for Foundation Aid from either the Augenblick formula or the Governor's formula. Vote 13-4.

Adopted and referred to Finance.

**SB 118-FN**, relative to state contracts and the competitive bidding process. **OUGHT TO PASS WITH AMENDMENT**

Rep. John J. Sytek for Executive Departments and Administration: This bill improves one aspect of the competitive bidding process for state agencies. It provides that, for contracts in

excess of \$35,000., the criteria by which bids will be evaluated be published as part of the bid procedure. Certain state agencies are presently exempted from the bid process in how they actually award contracts. That remains unaffected in the bill. Vote 15-0.

### **Amendment (2350L)**

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Purchases and Quotes. Amend RSA 21-I by inserting after section 22 the following new subdivision:

#### **Purchases and Quotes**

21-I:22-a Request for Purchases and Request for Quotes. Notwithstanding any other provision of law to the contrary, every request for purchases (RFP), request for quotes (RFQ) or other procurement which is greater than \$35,000 that is undertaken by the state or by a state agency as defined in RSA 21-I:11, I(b) shall contain within the body of the document the objective criteria by which each submission will be reviewed, if there are particular requirements that will receive more weight in the review of the submission, and the standards upon which any award will be based.

21-I:22-b Awards. Awards which are made by the state or by a state agency as defined in RSA 21-I:11, I(b) under this subdivision shall not be made on criteria that are unknown to the parties submitting bids or proposals. Nothing in this subdivision shall prevent the state or a state agency as defined in RSA 21-I:11, I(b) from making judgments on the capabilities of vendors to complete the work requested if this option is clearly stated in the body of the document and if used as the reason for the award, is so stated.

### **AMENDED ANALYSIS**

This bill provides that every request for purchases, request for quotes or other procurement which is greater than \$35,000 that is undertaken by the state or by a state agency shall contain within the body of the document the objective criteria by which each submission will be reviewed, if there are particular requirements that will receive more weight in the review of the submission, and the standards upon which any award will be based.

The bill also provides that awards made by the state will not be made on criteria that are unknown to the parties submitting bids or proposals.

Adopted.

Report adopted and ordered to third reading.

**SB 95-FN-A**, relative to associate justices of the Manchester District Court and Nashua District Court. RE-REFER TO COMMITTEE

Rep. Sandra Balomenos Keans for Judiciary and Family Law: The committee is convinced that the Manchester and Nashua courts do have very heavy case loads. The Senate removed the appropriation. This committee is afraid that without it the bill is doomed, and further, there is little chance of finding the additional funds needed. By keeping the bill alive, we hope to work with the administrative judge to determine some reassignments of courts; for example, Litchfield moving cases to Merrimack. This type of change requires legislation. This can be the vehicle. Vote 9-4.

Adopted.

**SB 115**, preventing strategic lawsuits against public participation. RE-REFER TO COMMITTEE

Rep. Nick Hart for Judiciary and Family Law: The majority of the committee believes that strategic lawsuits against public participation (SLAPP) are increasing at an alarming ratio and action is required. The Judiciary and Family Law committee feels there is some merit in this bill, however, there were some concerns expressed by the N.H. Bar Association and N.H. Trial Lawyers Association. The committee wants the time to look at other states' statutes. Vote 13-0.

Adopted.

**SB 41**, establishing separate senate and house legislative orientation committees. OUGHT TO PASS WITH AMENDMENT

Rep. David M. Scanlan for Legislative Administration: SB 41 is a Senate initiative that would

create separate House and Senate orientation committees. The committee amendment changes the funding method from being equally divided in the Senate version, to one based on the number of attendees in each orientation. Attendance at orientation would be mandatory for new members. Vote 12-0.

#### **Amendment (2411L)**

Amend RSA 17-C:1, II as inserted by section 1 of the bill by replacing it with the following:

II. To prepare and run a senate orientation program primarily for new members of the senate which shall be held in Concord between the date of election and the date of the organizational session, which shall be held separately from the house orientation program. When it is possible, and when it is agreed to by both the senate committee and the house committee on legislative orientation, joint presentations shall be held for senators and representatives on particular subjects.

Amend RSA 17-C:1 as inserted by section 1 of the bill by inserting after paragraph II the following new paragraph:

III.(a) The senate orientation program shall be mandatory for new members of the senate. For the purposes of this chapter, "new member of the senate" means a person who did not serve a full term in the previous legislative session and who was elected or reelected in the general election immediately preceding the senate orientation program.

(b) Each new member of the senate shall be allowed mileage per mile of the round trip to and from the member's home to the state house in Concord for each day of attendance under the conditions and rates established by RSA 14:15-a.

(c) Each new member of the senate shall, prior to or by the first day of the senate orientation program, furnish to the committee a statement of the distance from the member's home to the state house in Concord.

Amend RSA 17-C:4 as inserted by section 1 of the bill by replacing it with the following:

17-C:4 Appropriation. The appropriation which is made for legislator orientation shall be divided between the house committee established in RSA 17-P and the senate committee established in this chapter as follows:

I. Five hundred dollars shall be appropriated to the senate committee.

II. The remaining balance shall be appropriated to the house committee.

Amend RSA 17-F:1, II as inserted by section 2 of the bill by replacing it with the following:

II. To prepare and run a house orientation program primarily for new members of the house of representatives which shall be held in Concord between the date of election and the date of the organizational session, which shall be held separately from the senate orientation program. When it is possible, and when it is agreed to by both the house committee and the senate committee on legislative orientation, joint presentations shall be held for representatives and senators on particular subjects.

Amend RSA 17-F:1 as inserted by section 2 of the bill by inserting after paragraph II the following new paragraph:

III.(a) The house orientation program shall be mandatory for new members of the house of representatives. For the purposes of this chapter, "new member of the house of representatives" means a person who did not serve a full term in the previous legislative session and who was elected or reelected in the general election immediately preceding the house orientation program.

(b) Each new member of the house of representatives shall be allowed mileage per mile of the round trip to and from the member's home to the state house in Concord for each day of attendance under the conditions and rates established by RSA 14:15-a.

(c) Each new member of the house of representatives shall, prior to or by the first day of the house orientation program, furnish to the committee a statement of the distance from the member's home to the state house in Concord.

Amend RSA 17-F:4 as inserted by section 2 of the bill by replacing it with the following:

17-F:4 Appropriation. The appropriation which is made for legislator orientation shall be divided between the senate committee established in RSA 17-C and the house committee established in this chapter as follows:

I. Five hundred dollars shall be appropriated to the senate committee.

II. The remaining balance shall be appropriated to the house committee.

## AMENDED ANALYSIS

This bill establishes a committee on legislative orientation for both the house and the senate. The separate committees perform the same duties of the current committee, but with an added emphasis on separate house and senate rules and procedures. Joint presentations are to be held for senators and representatives on particular subjects when it is agreed to by the senate and the house committees.

The senate and the house orientation programs which the committees establish are mandatory for new members.

Adopted.

Report adopted and ordered to third reading.

**SB 28, relative to the air resources council. OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb E. Bradley for Science, Technology and Energy and Economic Development: The committee felt that it was appropriate to add a member to the Air Resources Council representing oil interests provided environmental interests were also represented at the council. Two sections were added by the committee at the request of the Department of Environmental Services. One allows the Air Resources Division to impose an administrative fine on large gasoline stations which have not installed federally mandated vapor control technology. The second allows a rule making deadline extension under the emissions credit trading statute adopted last year. Vote 15-0.

**Amendment (2366L)**

Amend the title of the bill by replacing it with the following:

**AN ACT**

increasing the membership of the air resources council, authorizing the department of environmental services to impose administrative fines under air pollution control statutes, and extending the deadline to submit certain proposed rules.

Amend the bill by replacing all after the enacting clause with the following:

1 Air Resources Council; Membership. Amend RSA 21-O:11, I to read as follows:

I. There is hereby established an air resources council which shall be composed of [9] **11** members, including one representing the steam power generating industry; **one representing the oil industry; one representing the natural gas industry;** [one representing the fuels industry;] one representing the manufacturing component of industry; one representing the field of municipal government; and [5] **6** members appointed at large who shall represent the public interest, one of whom shall be a licensed practicing physician [and], one of whom shall represent the field of recreation, **and at least one of whom shall represent environmental interests.** The council members who shall represent the public interest may not derive any significant portion of their income from persons subject to permits or enforcement orders, and may not serve as attorney for, act as consultant for, serve as officer or director of, or hold any other official or contractual relationship with any person subject to permits or enforcement orders. All potential conflicts of interest shall be adequately disclosed. The members shall be residents of the state and shall be appointed by the governor with the consent of **the executive** council. Each member shall serve for a term of 4 years.

2 New Section; Commissioner of the Department of Environmental Services Authorized to Impose Certain Administrative Fines. Amend RSA 125-C by inserting after section 21 the following new section:

125-C:22 Administrative Fines. The commissioner of the department of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of RSA 125-C:6, II relative to stage I and stage II vapor recovery controls, any rule adopted pursuant to such paragraph, any compliance schedule, stop use order, or order of abatement, issued pursuant to such paragraph; or upon any person who makes or certifies a material false statement relative to any document or information which is required to be submitted to the division pursuant to such paragraph. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this section shall be deposited by the commissioner in the air re-

sources fund. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

- (a) A schedule of administrative fines which may be imposed under this section; and
- (b) Procedures for notice and hearing prior to the imposition of an administrative fine.

3 Membership; Applicability. Under section 1 of this act, the individual representing the fuels industry on the effective date of this act shall continue in office as the representative of the natural gas industry, until such member's term expires.

4 Submission of Proposed Rules; Deadline Extended. Amend the introductory paragraph of RSA 125-J:12, I to read as follows:

I. Notwithstanding RSA 541-A, the commissioner shall adopt special temporary rules not subject to RSA 541-A as expeditiously as possible after the effective date of this chapter, except that the department shall hold a public hearing on the proposed special temporary rules and shall provide the public with notice of the hearing and an opportunity to testify and comment in writing, in accordance with the terms of the notice. The commissioner shall submit proposed rules pursuant to RSA 541-A no later than [1 year after the effective date of this chapter] **June 30, 1996**. Such temporary and permanent rules shall include, but not be limited to, the following:

5 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill increases the membership of the air resources council.

This bill also authorizes the commissioner of the department of environmental services to impose administrative fines relative to the violations of stage I and stage II vapor recovery controls.

This bill also extends the deadline for the commissioner of the department of environmental services to submit proposed rules for the emissions reductions credit trading program.

Adopted.

Report adopted and referred to Finance.

**SB 136-FN-L**, excluding Strafford county from motor vehicle emissions testing and relative to adding counties to the motor vehicle emissions testing program. **INEXPEDIENT TO LEGISLATE**

Reps. John H. Tucker and Jeb E. Bradley for Science, Technology and Energy: With regard to automobile emissions testing exemptions, the committee believes that all residents in the four non-attainment counties should be treated in the same manner. Exempting one county was determined to be unfair by the committee. With the passage by both the House and Senate of **HB 607** the automobile emissions testing program will be delayed in the four county non-attainment area until at least April 1, 1996. Vote 14-1.

Rep. Howard Williams spoke against.

Rep. Jeb Bradley spoke in favor and yielded to questions.

Rep. Howard Williams requested a roll call; sufficiently seconded. The question being the adoption of the report.

### YEAS 246 - NAYS 67

#### YEAS 246

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Holbrook, Robert	Lafiam, Robert
Lawton, David	Rice, Thomas, Jr.	Thomas, John	Turner, Robert
Wendelboe, Francine	Ziegler, Alice		

#### CARROLL

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cooper, Kipp	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
Patten, Betsey	Philbrick, Donald		

#### CHESHIRE

Avery, Stephen	Champagne, Richard	Cole, Stacey	DePecol, Benjamin
Delano, Robert	Feuer, Joseph	Hunt, John	Kingsbury, H. Thayer



Laurent, John  
Robertson, Timothy

Lynch, Margaret  
Royce, H. Charles

McNamara, Wanda

Pratt, Irene

## COOS

Bradley, Paula  
Horton, Lynn

Davis, Perley  
Mears, Edgar

Guay, Lawrence

Hawkinson, Marie

## GRAFTON

Adams, Carl  
Chase, Paul, Jr.  
Hill, Richard  
Phinney, William  
Tucker, John

Below, Clifton  
Copenhaver, Marion  
Larson, Nils, Jr.  
Scanlan, David  
Williams, William, Jr.

Brown, Alson  
Crory, Elizabeth  
MacNeil, Allen  
Teschner, Douglass

Brown, Channing  
Guest, Robert  
Nordgren, Sharon  
Trelfa, Richard

## HILLSBOROUGH

Ahern, Richard  
Andrews, Frederick  
Bergeron, Normand  
Burke, M. Virginia  
Clegg, Robert, Jr.  
Desrosiers, William  
Durham, Susan  
Gotham, Rita  
Hart, Nick  
Holt, Mark  
Kelley, Robert  
Laughlin, J. Francis  
Lozeau, Donnalee  
Marcinkowski, Michael  
Melcher, Harold  
Morello, Michael  
Perkins, Paul  
Sallada, Roland  
Streeter, Janice  
Toomey, Kathryn  
White, Donald

Aksten, Cheryl  
Arnold, Thomas, Jr.  
Boutin, David  
Calawa, Leon, Jr.  
Cote, David  
Dodge, Emma  
Dyer, Merton  
Haetenschwiller, Alphonse  
Herman, Keith  
Hunter, Bruce  
Kirby, Thomas  
Lefebvre, Roland  
Luebker, Bernard  
McCarty, Winston  
Mercer, Robert  
O'Hearn, Jane  
Peters, Stanley  
Sargent, Maxwell  
Sullens, Joan  
Turgeon, Roland  
White, John

Alukonis, David  
Baroody, Benjamin  
Brundige, Robert  
Chabot, Robert  
Cote, Peter  
Dokmo, Cynthia  
Emerton, Lawrence, Sr.  
Hallyburton, Margaret  
Holden, Carol  
Jean, Claudette  
Kirk, Neal  
Legacy, Earl  
MacGillivray, Jeffrey  
McMahon, Donald  
Messier, Irene  
Packard, Bonnie  
Philbrook, Paula  
Searles, Stanley, Sr.  
Taylor, Paul  
Wheeler, Craig  
Worthen, Dorothy

Amidon, Eleanor  
Belvin, William  
Buckley, Raymond  
Champagne, Norma  
Daniels, Gary  
Drabinowicz, A. Theresa  
Gagnon, Eugene  
Hansen, Herbert  
Holley, Sylvia  
Johnson, Lionel  
LaRose, Richard  
Letendre, Evelyn  
MacIntyre, Doris  
McRae, Karen  
Mittelman, David  
Pappas, Marc  
Reidy, Frank  
Soucy, Richard  
Thulander, O. Alan  
Wheeler, Robert  
Wright, George

## MERRIMACK

Chandler, Charles  
Crowell, Peter  
Feuerstein, Martin  
Lockwood, Robert  
Patenaude, Amy  
Shaw, Randall  
Willis, Jack

Chandler, Earle  
Daneault, Gabriel  
Fraser, Marilyn  
MacKay, James  
Pfaff, Terence  
Warner, Richard  
Yeaton, Charles

Chandler, John  
DeStefano, Stephen  
Holmes, Mary  
Moore, Carol  
Pitman, Mary Ellen  
Weeks, John, Jr.

Crosby, Toni  
Dunn, Miriam  
Lamach, Bernard  
Morrill, Olive  
Rogers, Katherine  
Whalley, Michael

## ROCKINGHAM

Abbott, Dennis  
Camm, Kevin  
Clark, Vivian  
Dolan, Richard  
Dunham, Vivian  
Gage, Beverly  
Hurst, Sharleene  
Klemm, Arthur, Jr.  
McGovern, Cynthia  
Putnam, Ed, II  
Scanlon, Edward  
Syracusa, Anthony  
Weare, Everett

Aranda, M. Kathryn  
Carson, Gregory  
Coes, Betsy  
Dowd, Sandra  
Fesh, Robert  
Gargiulo, Louis  
Johnson, Robert  
Langley, Jane  
Morris, Debbie  
Raynowska, Bernard  
Simmons, John Anthony  
Sytek, Donna  
Welch, David

Attar, Kevin  
Case, Margaret  
Conroy, Janet  
Dowling, Patricia  
Flanagan, Natalie  
Gleason, John  
Kane, Cecelia  
Magoon, Harold  
Noyes, Richard  
Ross, James  
Splaine, James  
Tufts, J. Arthur  
Wavler, Kenneth

Boucher, William  
Clark, Martha  
Crossman, Harold, Jr.  
Dube, LeRoy  
Flanders, John, Sr.  
Henderson, Warren  
Katsakiores, George  
Malcolm, Ken  
Pantelakos, Laura  
Rubin, George  
Stritch, C. Donald  
Vaughn, Charles  
Yennaco, Carol

**STRAFFORD**

Dunlap, Patricia	Grassie, Anne	Hambrick, Patricia	Hemon, Roland
Keans, Sandra	Loder, Suzanne	Merrill, Amanda	Merritt, Deborah
Musler, George	Pelletier, Arthur	Snyder, Clair	Sullivan, Henry
Torr, Ann	Wall, Janet	Wheeler, Katherine	

**SULLIVAN**

Adler, Rudolf	Allison, David	Behrens, Thomas	Cloutier, John
Flint, Gordon	Krueger, Richard	Lindblade, Eric	Palmer, Lorraine
Schotanus, Merle	Scott, Robert	Whipple, Allen	

**NAYS 67****BELKNAP**

Golden, Paul	Lawton, Robert	Rosen, Ralph	Smith, Linda
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**CARROLL**

Dickinson, Howard, Jr.	Mock, Henry
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**CHESHIRE**

McGuirk, Paul	Metzger, Katherine	Steere, Myron, III	Wollner, Robert
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**COOS**

Coulombe, Henry	Coulombe, Yvonne	Mayhew, Josephine	Merrill, Gerald
Pratt, Leighton	St. Hilaire, Paul		

**GRAFTON**

Guaraldi, Lawrence	LaMott, Paul	Lovett, Sidney	Mirski, Paul
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**HILLSBOROUGH**

Dykstra, Leona	Fenton, James	Francoeur, Gary	Gibson, John
Jean, Loren	L'Heureux, Robert	O'Rourke, Joanne	Pepino, Leo
Riley, Frances	Wells, Peter, Sr.		

**MERRIMACK**

Barberia, Richard	Brown, Mary	Jacobson, Alf	Kennedy, Richard
Nichols, Avis	Whittemore, James		

**ROCKINGHAM**

Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin	Christie, Andrew, Jr.
Dodge, Robert	Felch, Charles, Sr.	Flanders, David	Goddard, Warren
Kelley, Jane	Kobel, Rudolph	McKinney, Betsy	Moore, Benjamin
Nowe, Ronald	Pratt, Katharin		

**STRAFFORD**

Berube, Roger	Brown, George	Brown, Julie	Callaghan, Frank
Chagnon, Ronald	Douglass, Clyde	Hanlon, Mark	Hilliard, Dana
Knowles, William	McKinley, Robert	Spear, Barbara	Steadman, Frederick
Tessimond, Shane	Torr, Franklin	Wasson, Richard	Williams, Howard

**SULLIVAN**

Stettenheim, Sandy

and the report was adopted.

**SB 123-FN-A**, establishing a committee which shall develop a master plan for the Laconia state school property. **RE-REFER TO COMMITTEE**

Rep. Gene G. Chandler for Public Works and Highways: This bill would establish an unfunded legislative committee to develop a master plan for the former Laconia state school property. The

committee believes in a long term plan for the site, but without funding, a proper and credible master plan could not be developed. The committee also believes that any master plan should be developed on the premise that a correctional facility is located at the site and in some form and for some duration will remain at the site. When the master plan for the state hospital grounds in Concord was conceptualized a legislative committee worked with state agencies and the New Hampshire Architect's Association to develop the framework and estimate the costs of completing a master plan. The Public Works and Highways Committee proposes to use a similar format to develop a report and make recommendations for legislation next session for master planning the Laconia facility. Vote 14-1.

Rep. Rosen spoke against.

Rep. Gene Chandler spoke in favor.

Adopted.

### SUSPENSION OF RULES

Reps. Channing Brown and Donna Sytek moved that the Rules be so far suspended as to permit referral of bills beyond the deadline to the Committee on Finance and the Committee on Corrections and Criminal Justice.

Adopted by the necessary two-thirds.

### SUSPENSION OF RULES

Reps. Channing Brown and Donna Sytek moved that the Rules be so far suspended as to permit hearings without the required notice by the Committee on Finance and the Committee on Corrections and Criminal Justice.

On a division vote, 240 members having voted in the affirmative and 68 in the negative, the motion was adopted by the necessary two-thirds.

### REMOVED FROM THE TABLE

Reps. Ann Torr and Buckley moved that **SB 91-FN**, increasing the entrance fee at Odiorne Point state Park in Rye, New Hampshire to support the Seacoast Science Center, be removed from the table. (Pending question: Inexpedient to Legislate)

Adopted.

Rep. Kurk withdrew his motion of Inexpedient to Legislate.

Rep. Dickinson moved Ought to Pass with Amendment, spoke in favor and offered a floor amendment.

**SB 91**, increasing the entrance fee at Odiorne Point state park in Rye, New Hampshire to support the Seacoast Science Center.

### Floor Amendment (2477L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

authorizing an entrance fee to the Seacoast Science Center at  
Odiorne Point state park in Rye, New Hampshire.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. The Seacoast Science Center is the property of the state of New Hampshire and is located at Odiorne Point state park. The 8,000 square foot building was erected incorporating the Sugden House-Russell B. Tobey Visitor Center, and was funded in part by the legislature, and in part by the private sector and opened in June, 1992. In addition to the \$1.2 million to build and equip the Center, the private sector has provided an additional \$110,000 to furnish additional exhibits, audio-visual equipment and in-park kiosks. Since 1985, education at Odiorne Point state park has been funded by a partnership between the division of parks and recreation (division), the Audubon Society of New Hampshire, the University of New Hampshire Sea Grant Extension Program and the Friends of Odiorne Point. Prior to the opening of the Seacoast Science Center, the division contributed \$50,000 a year for education at the Russell B. Tobey Visitor Center. During the planning stage for the Seacoast Science Center, the division had hoped to be able to increase their program funding to the Center to \$80,000 to take advantage of the opportunity for increased educational programs and exhibits. However, due to a downturn in the economy, before the Center opened, the division stated that they would only

be able to continue funding education at the Center at the \$50,000 level. This has caused the Center to run at a deficit for the 2 years it has been open. Although this loss to date has been absorbed by the Audubon Society of New Hampshire, the Society will no longer be able to fund the deficit. Since 1992, educational programs have been provided for 18,550 school children and 4,000 members of the public in family programs each year. In addition, over 200,000 people have visited the Center and have seen the social history exhibits based on the Odiorne Point area and the natural history exhibits showing the 7 major habitats that exist within the park. At present there is no vehicle to properly fund the personnel or maintenance to properly serve these visitors. Most of the people who come into the park visit the Center. By authorizing an entrance fee to the Seacoast Science Center, the additional revenue would support the personnel and maintenance needed to keep pace with the visitor demand.

**2 Increase in Admission Fee Authorized.**

I. Notwithstanding the provisions of RSA 216-A:3-g, I the commissioner of the department of resources and economic development shall authorize the Audubon Society, during the period in which the Audubon Society is under contract with the state to manage the center, to charge up to \$1 per person admission to the Seacoast Science Center at Odiorne state park. The first \$30,000 raised shall be used to support programs at the Seacoast Science Center and any directly associated costs.

II. Any sum in excess of the \$30,000 raised by the admission fee to the Center shall be divided equally between the Center and the park fund. The use of any funds granted to the Center shall be approved by the executive director of the Center and the regional park supervisor.

III. The executive director of the Center shall submit a complete financial statement on an annual basis, to the commissioner of the department of resources and economic development and the resources, recreation and development committee. The first report shall be submitted no later than September 1, 1996.

**3 Effective Date.** This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill authorizes the Audubon Society to charge up to \$1 per person admission to the Seacoast Science Center at Odiorne state park. This fee would be authorized during the period in which the Audubon Society is under contract with the state to manage the Center.

Adopted.

Report adopted and referred to Finance.

### RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, May 16, 1995 at 1:00 p.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**SB 35**, relative to the conversion of mutual insurers.

**SB 160-FN**, relative to the employee assistance program at the department of health and human services.

**SB 156-FN-A**, establishing a committee to study the issues of lead abatement and relative to certain lead abatement issues.

**SB 63**, relative to the definition of fiduciary.

**SB 132-FN-L**, granting counties legal standing to contest the validity or cost of court-ordered evaluation, care, or treatment services for children for which the county is liable.

**SB 162-FN**, relative to guardianships of minors and estates of minors.

**SB 116-FN-L**, standardizing and streamlining the application and appeal procedures for property tax relief.

**SB 74**, exempting certain aspects of the radiological health program from the format require-

ments of the rulemaking process.

**SB 86**, relative to indoor air quality in state buildings.

**SB 170**, establishing a pilot project to develop a computer network allowing access to certain information within the state of New Hampshire.

**SB 13**, deleting the bank commissioner's authority to adopt rules regarding the conversion of credit unions from mutual to stock form.

**SB 56-FN**, allowing lenders to provide copies of loan documents marked "paid in full" or "cancelled" upon full repayment of closed-end loans.

**SB 57-FN**, requiring the department of resources and economic development, the office of state planning, Pease development authority, and the business finance authority to make annual reports on their economic development programs.

**SB 139-FN**, relative to a life and health insurance guaranty association.

**SB 155-FN**, relative to the applicability of RSA 420-H, explanation of benefits.

**SB 118-FN**, relative to state contracts and the competitive bidding process.

**SB 41**, establishing separate senate and house legislative orientation committees.

### UNANIMOUS CONSENT

Rep. Wendelboe addressed the House.

Rep. Hurst moved that the remarks of Rep. Wendelboe be printed in the Journal.

Adopted.

Rep. Wendelboe: Thank you Mr. Speaker. Last week we honored an anniversary that was approaching and came yesterday. Many of us watched the news and remembered victory in Europe day, 50 years ago. There were several other times this past year that we have honored members of this House who served in World War II.

However, there also was a recent very bittersweet anniversary that affected a war of my generation. I think it would be somewhat remiss if it was not mentioned. Twenty years ago, the fall of Saigon occurred approximately two weeks ago. In light of that milestone, added with the opening wound that Robert McNamara's book has created, I think we should recognize the service and sacrifice of the men and women who did serve our country in Southeast Asia. In 1975, after the fall of Saigon, there was no joyous victory-day celebration. There were no ticker-tape parades and there were no outpourings of national victory and pride. The honor of one's service and sacrifice should not be diminished by the outcome or the political opinion on wars, past, present or future. I hope this body will join with me in reiterating that the Vietnam vets are welcome home and that we appreciate the service and sacrifice they gave, just as their fathers and grandfathers gave in World War II.

This summer the Moving Wall Memorial is planned to come to the Lakes Region with the names of the almost 58,000 service men and women who served in Vietnam and I hope that we all take the opportunity to visit that memorial, take our families and make them as aware of Vietnam as my parents made me aware of the service of my ancestors in World War II and World War I. Thank you Mr. Speaker.

Rep. William Riley addressed the House.

Rep. Hurst moved that the remarks of Rep. William Riley be printed in the Journal.

Adopted.

Rep. William Riley: Thank you Mr. Speaker. We are all aware that yesterday was the 50th Anniversary of VE Day. My purpose in being here at this moment is to call to your attention that the celebration for VJ Day will take place when we are out of session. It is for that reason, of course, that I would like to call it to your attention at this time. I particularly want to call to your attention also, and celebrate, if you will, or memorialize the brave men and women who died in both theaters of war during the Second World War. I would like to share an antidote with you, a short story. This won't take long. We all have the name honorable attached to the front of our name as an honorific. This is a story, if you will, about honor. The person I am referring to is General Wainwright who was in command of all the armed troops in the Philippines at the moment the war broke out. He happened to be a very dear friend of my father's and as such I knew him reasonably well. One of the reasons I speak to you today, as an example of what we can really expect honor to be. Here was a man who knew, as my father did, as early as 1912,

knew in their hearts that an attack was going to come from what they called for most of those days in 1912 when my father was stationed out there, from the Japanese, and it actually did come from Formosa as we now call Taiwan — we called then Taiwan in 1941, December the 7th, actually the 8th on their day. The last letter that Skinny Wainwright wrote to my father before the war broke out and before and after which no mails could come through, terminated as follows, "I know that I am in the post of danger, but the post of danger was ever the post of honor and I am well content." Skinny Wainwright did not die in the death march but he died as surely because of the effects of that war as if he had been bayoneted or starved to death as happened to so many of the men and women that he commanded. You may remember seeing shots of him when the war was over walking with two canes. He did not live very long after he got back. Not too many people remember much about that man who hung on and hung on and hung on knowing better than anybody else in the Philippines at that time that there was no help going to come to him or to the men he commanded and the women he commanded. Here, truly, was a case of a man who knew he held the post of danger and regarded it as the post of honor. May we all think of that and may we all perhaps stand once again to salute those brave men and women. Thank you Mr. Speaker.

Rep. Cole addressed the House.

Rep. Hurst moved that the remarks of Rep. Cole be printed in the Journal.

Adopted.

Rep. Cole: Thank you Mr. Speaker. I rise to pay tribute to a former colleague of ours who was laid to rest last week, David M. Perry. David and I have been friends for over 50 years. We have always lived within a mile of each other in that length of time. It was my privilege to know David as a man who really believed in citizen government. He served his town for 35 years as a member of the board of selectmen. Never once during that 35-year period did I ever hear anyone criticize David for not putting the town first. David was the first chairman of the Southwestern Regional Planning Commission. He believed in regional planning, especially in the field of solid waste and other areas where towns in the region could cooperate and work together. A year ago, at this time, he completed his seventh term in this House. During that time, he served as a member of the Municipal and County Government Committee. His views were highly respected. I know of no one in the state who knew more, who understood more, the trials and tribulations of our municipalities. None who was more sincere in every vote that he took. Mr. Speaker and members of the House, I am proud to have called him friend. Thank you.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 3:50 p.m.

## RECESS

**(Rep. Wright in the Chair)**

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 120, 144, 161, 303, 314, 409, 490, 526, 607 and 616 and Senate Bills numbered 30, 32 and 80.

Rep. Tufts for the Committee

## RECESS

**(Rep. Donna Sytek in the Chair)**

### ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 55.

Rep. Tufts, Sen. Currier for the Committee

## RECESS

Rep. Cole moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 21

Tuesday, May 16, 1995

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

Loving God, open our hearts so that we may feel the breath and play of Your spirit. Unclench our lives so that we may approach one another with trust and compassion. Open our lips so that we may speak the truth in love. And give us the gift of discernment so that we may see Your presence in one another and perceive Your hopes in the decisions we make. Amen.

Rep. Daniels led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Aranda, Barry, Cornell, Patricia Cote, DeChane, Robert Foster, Healy, Nehring, Irene Pratt, Trelfa and Vincent, the day, illness.

Reps. Stephen Adams, Behrens, Boriso, Burke, Burnham, Thomas Cain, Callaghan, Cloutier, Coughlin, Dewhirst, Dykstra, Eaton, Ham, Hanlon, Hill, Mark Holt, Little, Manning, Mears, Pantelakos, Pappas, Katharin Pratt, Reynolds, Schotanus, Showerman, Donna Soucy, Ralph Torr and Weeks, the day, important business.

Rep. Charles Cote, the day, illness in the family.

### INTRODUCTION OF GUESTS

Katherine Metzger, daughter of Rep. Metzger.

### CONFEREE CHANGE

**HB 643**, allowing cruise ships, the primary purpose of which is tourism, to come into New Hampshire waters if their gambling machines are shut down.

Rep. Robert Kelley off; Rep. Horton on.

### EMPLOYEE OF THE MONTH

Our employee of the month is Ruth Page, Legislative Assistant to the Finance Committee. Ruth has worked for the House since February 1985. She started as a per diem committee assistant during the legislative session and became a permanent employee in July 1991.

Finance Committee Chairman Channing Brown says no chairman could have a better assistant than Ruth. He says she has worked evenings and Saturdays to get the work done, and that she has been invaluable with the expanded size of the Finance Committee and its workload this year.

Please join me in saluting our employee of the month, Ruth Page.

The House of Representatives offered the following:

### HOUSE RESOLUTION NO. 28

memorializing the late Representative David M. Perry of Swanze

WHEREAS, David M. Perry was born in Swanze on April 8, 1917 and lived in his hometown for his entire life, and

WHEREAS, David M. Perry served the town of West Swanze for seven terms as a member of the House of Representatives and as a selectman for thirty-five years, and

WHEREAS, David M. Perry served for seven terms on the House Committee on Municipal and County Government, including three terms as the committee's vice chairman, and for one term on the Committee on State Federal Relations, and

WHEREAS, David M. Perry was a successful businessman, who with his brother ran Perry Brothers Oil Company for many years, and

WHEREAS, David M. Perry was a well respected gentleman who was known for his honesty, sense of humor and dedication to his community, and

WHEREAS, David M. Perry died at his home on May 2, 1995, now therefore be it

**RESOLVED**, by the House of Representatives, in regular session convened, that the memory of the late David M. Perry be honored by this House, and be it further

**RESOLVED**, that the House expresses its deep sorrow on his death and extends its condolences to his family and that a suitable copy of this resolution be prepared for presentation to them.

Unanimously adopted by a rising vote of silent prayer.

## **REGULAR CALENDAR**

### **COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL**

**HB 3-FN-A**, making supplemental appropriations for the fiscal year ending June 30, 1995, and relative to state revenues, payments, and fees. (Report printed SJ 19, 5/11/95)

Rep. Ferguson spoke in favor and yielded to questions.

Rep. Ann Torr requested a roll call; sufficiently seconded. The question being the adoption of the Committee of Conference report.

## **YEAS 215 - NAYS 111**

### **YEAS 215**

#### **BELKNAP**

Bartlett, Gordon	Golden, Paul	Holbrook, Robert	Johnson, James
Lawton, David	Lawton, Robert	Rosen, Ralph	Thomas, John
Wendelboe, Francine	Ziegler, Alice		

#### **CARROLL**

Beach, Mildred	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Howard, Godfrey	Mock, Henry	Patten, Betsey
Philbrick, Donald			

#### **CHESHIRE**

Avery, Stephen	Champagne, Richard	Cole, Stacey	Doucette, Richard
Hunt, John	Kingsbury, H. Thayer	Lynch, Margaret	McNamara, Wanda
Metzger, Katherine	Royce, H. Charles	Smith, Edwin	Steere, Myron, III
Wollner, Robert			

#### **COOS**

Bradley, Paula	Davis, Perley	Guay, Lawrence	Hawkinson, Marie
Horton, Lynn	Mayhew, Josephine	Merrill, Gerald	Pratt, Leighton
St. Hilaire, Paul			

#### **GRAFTON**

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Cobbin, Philip	Connolly, Steven	Copenhaver, Marion	Crory, Elizabeth
Guaraldi, Lawrence	LaMott, Paul	MacNeil, Allen	Phinney, William
Scanlan, David	Teschner, Douglass	Tucker, John	Williams, William, Jr.

#### **HILLSBOROUGH**

Ahern, Richard	Aksten, Cheryl	Allen, W. Gordon	Alukonis, David
Amidon, Eleanor	Andrews, Frederick	Arnold, Thomas, Jr.	Boutin, David
Brundige, Robert	Calawa, Leon, Jr.	Cepaitis, Elizabeth	Chabot, Robert
Champagne, Norma	Clemons, Jane	Cote, David	Dodge, Emma
Dyer, Merton	Emerton, Lawrence, Sr.	Fenton, James	Ferguson, Charles
Fields, Dennis	Foster, Linda	Gagnon, Eugene	Goulet, Maurice
Hart, Nick	Herman, Keith	Holden, Carol	Holley, Sylvia
Hunter, Bruce	Jean, Claudette	Jean, Loren	Kane, Laura
Kelley, Robert	Krochmal, Mark	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Legacy, Earl	Letendre, Evelyn	Luebker, Bernard
MacGillivray, Jeffrey	MacIntyre, Doris	McCarty, Winston	McMahon, Donald



McRae, Karen  
Morello, Michael  
Peters, Stanley  
Sargent, Maxwell  
Wheeler, Robert

Mercer, Robert  
O'Hearn, Jane  
Philbrook, Paula  
Searles, Stanley, Sr.  
White, John

Mittelman, David  
O'Rourke, Joanne  
Riley, Frances  
Sullens, Joan  
Worthen, Dorothy

Moncrief, Keith  
Packard, Bonnie  
Sallada, Roland  
Thulander, O. Alan  
Wright, George

### MERRIMACK

Buessing, Marjorie  
Daneault, Gabriel  
Langer, Ray  
Nichols, Avis  
Shaw, Randall  
Warner, Richard

Chandler, Earle  
Feuerstein, Martin  
MacKay, James  
Patenaude, Amy  
Trombly, Rick  
Whalley, Michael

Chandler, John  
Fraser, Marilyn  
Morrill, Olive  
Plaff, Terence  
Varsalone, Robert  
Whittemore, James

Crosby, Toni  
Holmes, Mary  
Newland, Matthew  
Pitman, Mary Ellen  
Wallner, Mary Jane  
Willis, Jack

### ROCKINGHAM

Attar, Kevin  
Case, Margaret  
Dowd, Sandra  
Fesh, Robert  
Gage, Beverly  
Hurst, Sharleene  
Klemm, Arthur, Jr.  
Malcolm, Ken  
Noyes, Richard  
Richards, David  
Smith, Arthur  
Sytek, Donna  
Weare, Everett

Beaulieu, Jon  
Christie, Andrew, Jr.  
Dowling, Patricia  
Flanagan, Natalie  
Gleason, John  
Johnson, Robert  
Kobel, Rudolph  
McCarthy, John, Jr.  
Packard, Sherman  
Ross, James  
Stone, Joseph  
Sytek, John  
Welch, David

Belanger, Ronald  
Conroy, Janet  
Dube, LeRoy  
Flanders, David  
Gorman, Donald  
Kane, Cecelia  
Langley, Jane  
McKinney, Betsy  
Putnam, Ed, II  
Scanlon, Edward  
Stritch, C. Donald  
Tufts, J. Arthur  
Weyler, Kenneth

Carson, Gregory  
Dolan, Richard  
Felch, Charles, Sr.  
Flanders, John, Sr.  
Henderson, Warren  
Katsakiores, Phyllis  
Magoon, Harold  
Moore, Benjamin  
Raynowska, Bernard  
Senter, Marilyn  
Syracusa, Anthony  
Vaughn, Charles  
Yennaco, Carol

### STRAFFORD

Brown, Julie  
Merrill, Amanda  
Spear, Barbara  
Wall, Janet

Douglass, Clyde  
Musler, George  
Sullivan, Henry  
Wasson, Richard

Knowles, William  
Pelletier, Arthur  
Torr, Ann

McKinley, Robert  
Snyder, Clair  
Torr, Franklin

### SULLIVAN

Krueger, Richard

Lindblade, Eric

Palmer, Lorraine

Peyron, Fredrik

### NAYS 111

### BELKNAP

Hurt, George

Rice, Thomas, Jr.

Turner, Robert

### CARROLL

Babson, David, Jr.

Kenney, Joseph

Lyman, L. Randy

### CHESHIRE

DePecol, Benjamin  
McGuirk, Paul  
Russell, Ronald

Delano, Robert  
Richardson, Barbara

Feuer, Joseph  
Riley, William

Laurent, John  
Robertson, Timothy

### COOS

Coulombe, Henry

Coulombe, Yvonne

### GRAFTON

Below, Clifton

Lovett, Sidney

Mirski, Paul

Nordgren, Sharon

### HILLSBOROUGH

Belvin, William  
Cote, Peter

Bergeron, Normand  
Daniels, Gary

Buckley, Raymond  
Desrosiers, William

Clegg, Robert, Jr.  
Dokmo, Cynthia

Drabinowicz, A. Theresa  
 Francoeur, Gary  
 Haettenschwiller, Alphonse  
 Hussey, Mary  
 Lozeau, Donnalee  
 Milligan, Robert  
 Soucy, Richard  
 Wells, Peter, Sr.

Durham, Susan  
 Franks, Suzan  
 Hall, Betty  
 Johnson, Lionel  
 Marcinkowski, Michael  
 Pepino, Leo  
 Streeter, Janice  
 Wheeler, Craig

Dwyer, Paul, Sr.  
 Gibson, John  
 Hallyburton, Margaret  
 Kirby, Thomas  
 Melcher, Harold  
 Perkins, Paul  
 Toomey, Kathryn  
 White, Donald

Feng, David  
 Latham, Rita  
 Hansen, Herbert  
 Laughlin, J. Francis  
 Messier, Irene  
 Reidy, Frank  
 Turgeon, Roland

### MERRIMACK

Barberia, Richard  
 DeStefano, Stephen  
 Owen, Derek

Brown, Mary  
 Jacobson, Alf  
 Rogers, Katherine

Chandler, Charles  
 Kennedy, Richard  
 Yeaton, Charles

Crowell, Peter  
 Moore, Carol

### ROCKINGHAM

Abbott, Dennis  
 Camm, Kevin  
 Crossman, Harold, Jr.  
 Hutchinson, Karen  
 Morris, Debbie

Arndt, Janet  
 Clark, Martha  
 Dodge, Robert  
 Kelley, Jane  
 Nowe, Ronald

Bishop, Franklin  
 Clark, Vivian  
 Dunham, Vivian  
 Kruse, Fred  
 Rubin, George

Boucher, William  
 Coes, Betsy  
 Goddard, Warren  
 McGovern, Cynthia  
 Sabella, Norma

### STRAFFORD

Berube, Roger  
 Grassie, Anne  
 Loder, Suzanne  
 Steadman, Frederick

Brown, George  
 Hambrick, Patricia  
 Lundborn, Raymond  
 Wheeler, Katherine

Chagnon, Ronald  
 Hemon, Roland  
 McCann, William, Jr.  
 Williams, Howard

Dunlap, Patricia  
 Keans, Sandra  
 Merritt, Deborah

### SULLIVAN

Adler, Rudolf  
 Whipple, Allen

Allison, David

Flint, Gordon

Stettenheim, Sandy

and the report was adopted.

Reps. Lamach and Martin did not vote and wished to be recorded in opposition.

### SENATE MESSAGES

#### ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

**HB 222**, relative to access to homes by manufactured housing park owners.

The President appointed Sens. Barnes, Rubens and J. King.

**HB 258**, relative to recreational trails.

The President appointed Sens. Danaïs, Roberge and Cohen.

**HB 312-FN-A-L**, eliminating the advisory council on literacy and dropout prevention and establishing a committee to study literacy issues, and funding state literacy programs.

The President appointed Sens. Lovejoy, Gordon and Larsen.

**HB 316-FN**, relative to probation and parole officers.

The President appointed Sens. Podles, Gordon and Pignatelli.

**HB 317-FN**, relative to disqualification for unemployment compensation benefits due to self-employment.

The President appointed Sens. Danaïs, Johnson and Shaheen.

**HB 395**, relative to the jurisdiction of the zoning board of adjustment, the appeal of land use decisions, and the exhaustion of administrative remedies.

The President appointed Sens. Rubens, F. King and J. King.

**HB 401**, establishing a committee to study payments in lieu of taxes for university system properties and certain state government operations which function as businesses open to the public.

The President appointed Sens. Lovejoy, Keough and Shaheen.

**HB 542-FN**, permitting nonattorneys to represent taxpayers in certain appeals before municipalities and the board of tax and land appeals.

The President appointed Sens. Rodeschin, Stawasz and Larsen.

**HB 588-FN-L**, relative to a forfeiture for failure to license a dog.

The President appointed Sens. Cohen, Roberge and Pignatelli.

**HB 630**, recodifying and revising the forestry laws.

The President appointed Sens. Russman, F. King and Pignatelli.

**HB 643**, allowing cruise ships, the primary purpose of which is tourism, to come into New Hampshire waters if their gambling machines are shut down.

The President appointed Sens. Roberge, Rodeschin and Cohen.

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 105**, relative to amateur boxing. (Amendment printed SJ 17, 5/2/95)

Rep. Mercer moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Langer, Beaulieu, Cooper and Asselin.

**HB 111**, relative to agreements to pay compensation for abandoned property recovery. (Amendment printed SJ 17, 5/2/95)

Rep. Bonnie Packard moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Krueger, Hunt, Herman and Syracuse.

**HB 116-FN**, establishing a committee to study the operation and funding of the New Hampshire veterinary diagnostic laboratory. (Amendment printed SJ 18, 5/4/95)

Rep. Musler moved that the House concur.  
Adopted.

**HB 224**, establishing a study committee on the functions and responsibilities of the wetlands board. (Amendment printed SJ 19, 5/11/95)

Rep. Dickinson moved that the House concur.  
Adopted.

**HB 252**, requiring health insurers to provide coverage for nonprescription enteral formulas when medically necessary for the treatment of malabsorption. (Amendment printed SJ 19, 5/11/95)

Rep. Bonnie Packard moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Gage, Dowd, Herman and Crosby.

**HB 446**, relative to mental health care benefits within the HMO networks. (Amendment printed SJ 19, 5/11/95)

Rep. Bonnie Packard moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Gage, Herman, Dowd and DeStefano.

**HB 573**, including ferrets in the law requiring rabies vaccinations. (Amendment printed SJ 18, 5/4/95)

Rep. Musler moved that the House concur.  
Adopted.

**HB 623**, expanding the membership of the state conservation committee. (Amendment printed SJ 18, 5/4/95)

Rep. Musler moved that the House concur.  
Adopted.

### NONCONCURS WITH AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

**SB 82**, relative to appointments to state boards and commissions.

The President appointed Sens. Stawasz, Rodeschin and J. King.

Rep. Mercer moved that the House accede.

Adopted.

The Speaker appointed Reps. John Sytek, Dyer, Langer and Stettenheim.

### CONCURRENCE

**HB 55-FN-A**, to address anticipated budget shortfalls in the department of health and human services.

**HB 115-FN**, increasing fees for certain fish and game licenses for nonresidents and establishing a nonresident hunting and fishing license.

**HB 119-FN**, extending the animal population control program.

**HB 149-FN**, regulating fertilizer and agricultural liming materials.

**HB 309**, relative to counterfeit recordings.

**HB 373**, relative to trust fund disbursements by state agencies and departments.

**HB 412**, relative to licensing standards for sales finance companies and retail sellers.

**HB 435**, relative to first mortgage bankers and brokers.

**HB 495-FN**, relative to the oil discharge and disposal cleanup fund and the fuel oil discharge cleanup fund and related fees.

**HB 509-FN**, relative to payment dates under the interest and dividends tax.

**HB 516-FN-L**, requiring the port authority to establish a uniform system for marking the ports, harbors and navigable tidal rivers.

**HB 527-FN**, relative to changes in the unemployment compensation law.

**HB 549-FN**, crediting certain sums collected by the banking department to the department's consumer credit administration division, repealing the debt adjuster's license fund, and replacing the small loan license fund with the consumer credit administration license fund.

**HB 646-L**, relative to the use of county real property.

### CONCURRENCE WITH AMENDMENTS

**SB 2-L**, enabling any local political subdivision of the state, whose legislative body raises and appropriates funds through an annual meeting, to use the official ballot for voting on all warrant articles.

**SB 5**, relative to information to be filed with the insurance department.

**SB 13**, deleting the bank commissioner's authority to adopt rules regarding the conversion of credit unions from mutual to stock form.

**SB 17**, establishing a committee to continue the study of exclusivity contracts between health care insurers and health care providers and the feasibility of creating health care provider cooperative agreements.

**SB 53**, establishing a committee to study issues relative to real estate appraisers.

**SB 54**, relative to lead paint.

**SB 74**, exempting certain aspects of the radiological health program from drafting and numbering requirements of the rulemaking process.

**SB 81**, clarifying the authority of the department of environmental services to levy administrative fines and relative to dams, mills, and flowage.

**SB 154-FN-L**, relative to the appointment, powers and duties of medical examiners and to the authority of the chief medical examiner.

### RE-REFERRED

**HB 417**, relative to investments by town trustees.

### NONCONCURRENCE

**HB 244**, relative to refund anticipation loans and authorizing fees for such loans.

**HB 325-FN**, relative to the bonding authority of the business finance authority.

**HB 433**, relative to second mortgage loan licensees and repealing an exemption for insurance companies from the laws regulating small lenders.

**HB 434**, prohibiting advance collection of interest on open-end consumer credit transactions and redefining certain loans.

### NONCONCURRENCE WITH AMENDMENT

**SB 41**, establishing separate senate and house legislative orientation committees.

### ENROLLED BILLS AMENDMENTS

**HB 171**, relative to an extended term of imprisonment for possession of a radio device while committing certain crimes.

#### Amendment (2546L)

Amend section 2 of the bill by replacing lines 3-4 with the following:

(e) A class A felony under RSA 632-A:2, [XI] *I(I)* and a subsequent separate offense under RSA 632-A:2, [XI] *I(I)*, a minimum to be fixed by the court

Adopted.

**HB 176**, relative to the disciplinary, investigative, and subpoena powers of the board of chiropractic examiners and authorizing the board to impose civil penalties.

#### Amendment (2523L)

Amend the bill by deleting section 2 and renumbering sections 3-13 to read as 2-12, respectively.

Adopted.

**HB 185**, transferring the Christa McAuliffe planetarium commission to the department of postsecondary technical education, and repealing certain rulemaking provisions.

#### Amendment (2521L)

Amend the bill by deleting section 13 and renumbering the original sections 14-16 to read as 13-15, respectively.

Amend the bill by inserting after section 13 the following and renumbering sections 14-15 to read as 15-16, respectively:

14 Contingent Nullification. If HB 298 becomes law, sections 1-5, 8, 10-12, and 14-15 of HB 298 shall not take effect.

Adopted.

**HB 205-L**, relative to university of New Hampshire cooperative extension programs.

#### Amendment (2536L)

Amend the bill by deleting section 20 and renumbering the original sections 21-25 to read as 20-24, respectively.

Adopted.

**HB 350**, establishing a recycling market development steering committee.

#### Amendment (2517L)

Amend RSA 149-O:5 as inserted by section 1 of the bill by replacing line 6 with the following:

clerk, the state library, and the governor.

Adopted.

**HB 511-FN**, clarifying the department of labor's authority over third party administrators for workers' compensation.

#### Amendment (2516L)

Amend RSA 281-A:5-d, I as inserted by section 1 of the bill by replacing line 4 with the following:

such services as solicitation of coverage, underwriting, collection of

Adopted.

**SB 33**, regarding standard valuation of insurance policies. (Amendment printed SJ 21, 5/18/95)

Adopted.

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 114, 117, 216, 219, 334, 398, 400, 404, 437, 581 and 657 and Senate Bills numbered 25, 29, 106 and 137.

Rep. Tufts, Sen. Currier for the Committee

**COMMITTEE REPORTS****CONSENT CALENDAR**

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

**SB 8-FN-A**, relative to the Portsmouth Naval Shipyard and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles L. Vaughn for Finance: This bill makes a \$50,000 appropriation to the Seacoast Shipyard Association to assist them in their fight to convince the Base Closure and Realignment Commission during its hearing process that the Portsmouth Naval Shipyard is essential to national defense and should be removed from the final closure list recommended to President Clinton by July 1, 1995. Vote 20-0.

**Amendment (2570L)**

Amend the bill by replacing sections 2 and 3 with the following:

**2 Appropriation.**

I. The sum of \$50,000 for the fiscal year ending June 30, 1995, is appropriated to the Seacoast Shipyard Association for the purposes of section 1 of this act. The funds appropriated in this section shall not lapse until June 30, 1997.

II. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

**3 Effective Date.** This act shall take effect upon its passage.

**SB 91-FN**, increasing the entrance fee at Odiorne Point state park in Rye, New Hampshire to support the Seacoast Science Center. **OUGHT TO PASS**

Rep. Merle W. Schotanus for Finance: The Finance Committee agrees with and supports the House-approved recommendation of the Resources Committee to authorize an entrance fee to the Seacoast Science Center for the purpose of providing financial support of the personnel and maintenance needed to keep pace with visitor demand. Vote 21-0.

**SB 104-FN**, allowing a liquor license and establishing a license fee for a billiards/pool hall. **OUGHT TO PASS**

Rep. David J. Alukonis for Finance: This bill creates a separate cocktail lounge license for facilities which have at least twelve non coin-operated, regulation-size billiard and pool tables. The policy of this legislation, as approved by the House Committee on Regulated Revenues, relieves eligible billiards and pool halls from the requirement that they also be a full-service restaurant. The Finance Committee agrees with the testimony provided by the state liquor commission and others that this proposal will affect twelve-fifteen facilities statewide. As such, increased state revenues and expenses resultant of this bill should be minimal. Vote 20-1.

**SB 107-FN**, allowing licensed beverage manufacturers to sell beverages to the general public in limited quantities for off-premises consumption. **OUGHT TO PASS**

Rep. Charles L. Vaughn for Finance: This bill allows beverage manufacturers to sell beverages to the general public in limited quantities, not to exceed 72 fluid ounces, for off-premises consumption. The Liquor Commission states it does not anticipate any fiscal impact from the bill, provision having been made for the beverage tax to be paid. Vote 21-0.

**SB 122-FN**, relative to delivery of trauma care services and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Neal M. Kurk for Finance: This bill includes the delivery of trauma care services in the medical services system. The amendment deletes the general fund appropriation to insure that the program will be paid for entirely with federal funds, as its supporters intended. Vote 22-0.

**Amendment (2461L)**

Amend the title of the bill by replacing it with the following:

**AN ACT**

relative to the delivery of trauma care services.

Amend the bill by replacing all after section 12 with the following:

13 Applicability. This act shall not take effect until federal funds are received for the purposes of the act. The commissioner of health and human services shall apply for federal funds and shall certify the date on which the federal funds were received to the secretary of state. The act shall take effect on the date of certification.

14 Effective Date. This act shall take effect as provided in section 13.

**AMENDED ANALYSIS**

This bill includes the delivery of trauma care services in the emergency medical services system. The bill establishes a trauma medical review committee to review the provision of trauma care services under this chapter. The bill also adds rulemaking relative to trauma care.

This bill resulted from the study committee established pursuant to 1990, 99, as amended by 1991, 14 and 1993, 208.

This bill allows certain licensure provisions of emergency medical services to be waived.

The bill is not to take effect until the commissioner of health and human services certifies that federal funds have been received.

**SB 131-FN-A, relative to taxes paid on simulcast greyhound racing. OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: This bill changes the tax on simulcast greyhound racing for Lakes Region Greyhound Park in Belmont from \$300 per program to \$300 per day of simulcast racing. This track has less than half the revenue of either of the other two dog tracks, and pays a much higher percentage of their revenue in tax than the other two. The intent of the tax break is to allow Lakes Region to grow to where their tax category will be the same as the others. The legislature has given tax breaks to tracks in financial difficulty before, most recently to Rockingham Park in Salem in 1987. An amendment sunsets the special rate after five years. Vote 23-0.

**Amendment (2576L)**

Amend the bill by replacing all after section 1 with the following:

2 Taxes Paid on Simulcast Greyhound Racing. Amend RSA 284:23, V to read as follows:

V.[(a)] Notwithstanding RSA 284:23 to the contrary, if the pari-mutuel pool is less than \$125,000 for any program at a dog race or dog race meet, the licensee shall be credited \$200 for each official completed race with that program, and if the pari-mutuel pool is less than \$50,000 for any program at a dog race or dog race meet, the licensee shall be credited \$225 for each official completed race with that program, the credit to be applied to the tax due as computed under RSA 284:23, II-a; provided, however, that no licensee shall pay a tax less than \$300 for any program.

[(b)] Notwithstanding any other provisions of law, for pari-mutuel tracks where during the previous calendar year there were fewer than 150 live greyhound performance programs and where the live greyhound handle was less than \$35,000 for any program, the following tax shall apply:

(1) Each track shall pay a minimum greyhound tax of \$300 per live performance program when only live racing is offered. Each track shall pay only \$300 per calendar day when only simulcast racing is offered.

(2) Each track shall pay a minimum greyhound tax of \$600 per day when both live and simulcast racing are offered. If a track runs multiple live performance programs on a calendar day then the minimum fee shall be \$600 plus \$300 for each additional live performance program on that calendar day.]

3 Effective Date.

I. Section 2 of this act shall take effect July 1, 2000.

II. The remainder of this act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill specifies the taxes required to be paid by pari-mutuel greyhound tracks. Each track is required to pay a minimum greyhound tax of \$300 per calendar day when only live or only simulcast racing is offered. When both live and simulcast racing are offered then each track shall pay a minimum of \$600. If a track runs multiple live performance programs on a calendar day then the minimum fee shall be \$600 plus \$300 for each additional live performance program on that calendar day.

This tax applies only to pari-mutuel tracks where during the previous calendar years there were less than 150 live greyhound performances and when the live greyhound handle was less than \$35,000 for any program. This provision sunsets on July 1, 2000.

**SB 138-FN-A**, relative to the rate of interest on overpayments and delinquencies on taxes administered by the department of revenue administration. **OUGHT TO PASS WITH AMENDMENT**

Rep. Neal M. Kurk for Finance: The bill as amended changes the interest rates for delinquent taxes and overpayment on taxes administered by the Department of Revenue Administration. The current statutory rates are 15% for delinquent taxes and 10% for overpayments. The new rates vary as interest rates in general change and are keyed to the rates charged by the IRS. If the bill were in effect today, the delinquent rate would be 11% and the overpayment rate 8%. The purpose of the bill is to charge interest rates that reflect the cost of money; penalties are assessed separately. The bill will reduce state revenues by \$277,000 in FY 98, \$932,000 in FY 99, and \$1,589,000 in FY 2000. There is no impact in the upcoming biennium. Vote 23-0.

## Amendment (2505L)

Amend the bill by replacing all after the enacting clause with the following:

1 New Interest Rates Established. Amend RSA 21-J:28 to read as follows:

21-J:28 Interest.

*I. For all taxes administered by the department, interest on amounts not paid when due shall be computed at the **annual underpayment** rate [of 1-1/4 percent per month] **determined from time to time pursuant to paragraph II** from the prescribed payment date or original statutory due date to the date payment is actually made. Interest shall be allowed and paid at the **annual overpayment** rate [of 10 percent per year] **determined from time to time pursuant to paragraph III** upon any overpayment of taxes administered by the department. No interest shall be allowed or paid on amounts less than \$10 unless specifically requested in writing. If any overpayment of tax administered by the department is refunded within 3 months after the due date or authorized extension date or within 3 months after the return is filed, whichever is later, no interest shall be allowed under this section. **Interest on amounts not paid when due, or interest on overpayments shall be equal to the sum of the simple interest amounts computed with respect to each calendar year, or a portion thereof, during which the underpayment or overpayment remains outstanding. Interest with respect to only a portion of a calendar year shall be determined on a pro rata basis based on the number of days the underpayment or overpayment remains outstanding during the 365-day calendar year.** Upon certification by the commissioner, the state treasurer shall refund the overpayment with interest from the revenue of the specific tax.*

*II. For purposes of this section, with respect to any calendar year, the term "annual underpayment rate" shall be determined by the commissioner and shall mean the underpayment rate specified in section 6621(a)(2) of the Internal Revenue Code of 1986 as in effect on the September 1 immediately preceding such calendar year plus 2 percentage points.*

*III. For purposes of this section, with respect to any period, the term "overpayment rate" shall mean the underpayment rate determined under paragraph II with respect to such period year less 3 percentage points.*

2 Conforming Change. Amend RSA 21-J:32, I to read as follows:

*I. Except as provided in paragraph IV, in the case of any underpayment of estimated tax by a taxpayer, there shall be added to the tax for the taxable year an amount determined at the **underpayment** rate [of 1-1/4 percent per month] **as determined from time to time pursuant to RSA 21-J:28, II**, on the amount of the underpayment for the period of the underpayment.*

3 Effective Date. This act shall take effect July 1, 1997.



## AMENDED ANALYSIS

This bill substitutes a variable interest rate on underpayments and overpayments of taxes administered by the department of revenue administration. Under current law, the annual rate is 15 percent for delinquent taxes and 10 percent on overpayment of taxes.

**SB 149-FN-L**, relative to disability benefits and retirement system membership. OUGHT TO PASS

Rep. Robert L. Wheeler for Finance: The committee felt that these requests by the retirement system were appropriate in order to retain compliance with federal law. Vote 22-0.

**SB 150-FN-L**, relative to the definition of earnable compensation for retirement system purposes. OUGHT TO PASS

Rep. Arthur P. Klemm, Jr. for Finance: This bill amends the retirement statutes by redefining "earnable compensation," changes the determination of what amounts received from salary continuance plan constitute earnable compensation, and changes the calculation used to determine creditable service and earnable compensation for teachers. The bill was submitted at the request of the NH retirement system to meet ERISA standards. Vote 22-0.

**SB 151-FN-L**, relative to the management of retirement system funds. OUGHT TO PASS WITH AMENDMENT

Rep. Channing T. Brown for Finance: This bill replaces a version of RSA 100-A:15 which would otherwise take effect on July 1, 1995 relative to the investment of funds by the New Hampshire retirement system board of trustees, so that the current statutory provisions will remain in effect. The bill also prospectively amends the investment authority of the retirement system board of trustees effective June 30, 1997. Vote 19-0.

## Amendment (2586L)

Amend the bill by replacing section 2 with the following:

2 Management of Retirement System Funds; 1997. RSA 100-A:15, I is repealed and reenacted to read as follows:

I. The members of the board of trustees shall be the trustees of the several funds created hereby and shall have full power to invest, and reinvest such funds, subject to all the terms, conditions, limitations, and restrictions imposed by the laws of the state of New Hampshire upon domestic life insurance companies in the making and disposing of their investments. Said trustees may invest and reinvest such funds in shares of cooperative banks and building and loan associations located in this state or in international investments, provided that international investments shall not exceed 15 percent of the several funds that are invested and reinvested, and may make deposits in savings banks or trust companies or in national banks and subject to like terms, conditions, limitations, and restrictions. The members of the board of trustees shall also have the power to invest and reinvest such funds in participation units in the public deposit investment pool established pursuant to RSA 383:22. Said trustees shall have full power to hold, purchase, sell, assign, transfer, and dispose of any of the securities and investments in which any of the funds created hereby have been invested, as well as the proceeds of such investments, provided, however, that the trustees or their designees shall be exempt from the provisions of RSA 411-A:6, III, in making investments. The board of trustees shall, to the greatest extent possible, use the funds of the retirement system to benefit and expand the economic climate within the state of New Hampshire. The use of such funds by the board shall be consistent with sound investment practices.

## 3 Effective Date.

I. Section 2 of this act shall take effect June 30, 1997.

II. The remainder of this act shall take effect July 1, 1995, at 12:02 a.m.

## AMENDED ANALYSIS

This bill replaces a version of RSA 100-A:15 which would otherwise take effect on July 1, 1995, relative to the investment of funds by the New Hampshire retirement system board of trustees, so that the current statutory provisions will remain in effect.

The bill also prospectively amends the investment authority of the retirement system board of trustees, effective June 30, 1997.

**SB 163-FN-L**, relative to purchase of prior service credit in the New Hampshire retirement system by employees of political subdivisions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: The majority of the committee felt that authorizing this town of Bristol employee to purchase back time was most appropriate given her experience. Vote 18-1.

**Amendment (2532L)**

Amend the bill by replacing section 1 with the following:

1 Creditable Service.

I. The provisions of this act shall apply, notwithstanding any other provision of law to the contrary. Jacquilyn A. Crouse, an employee of the town of Bristol, New Hampshire, is authorized to purchase her years of prior service as an employee of the town of Bristol, and the years of prior service which are purchased shall be counted as creditable service in the New Hampshire retirement system.

II. If Jacquilyn A. Crouse agrees to the provisions of this act, she shall be required to purchase all her years of such prior service.

**AMENDED ANALYSIS**

This bill authorizes an employee of the town of Bristol to purchase her years of prior service as a town employee as creditable service in the New Hampshire retirement system. The bill requires the employee to purchase all her years of such prior service.

**SB 168-FN-A**, establishing a task force to examine issues related to retail wheeling and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Fredrik Peyron for Finance: This bill establishes a committee to study issues related to retail wheeling of electric power. A fund of \$25,000, to be charged against the state's electric utilities, is established to pay for a consultant. Retail wheeling is in existence elsewhere and may be important to the state's economic future. In addition, the bill authorizes the Public Utilities Commission to establish a retail competition pilot program to determine the implications of competition in the electric industry. The PUC is also authorized to establish procedures for review and approval of economic development natural gas and electric rates for a five-year period. Vote 21-1.

**Amendment (2585L)**

Amend the bill by replacing all after section 8 with the following:

9 New Section; Economic Development and Retention Rates. Amend RSA 378 by inserting after section 11 the following new section:

378:11-a Economic Development and Retention Rates. Notwithstanding any other provision of law to the contrary, the commission shall establish procedures for the review and approval of tariffs for electric service rates that foster economic development and retention of existing load within the state. For the purposes of this section the term "economic development" shall be deemed to include the attraction of new industrial companies to the state, the expansion of existing industrial companies that would otherwise not occur in the state, and the retention of existing industrial companies that would otherwise leave the state. Such procedures shall provide that all electric public utilities serving retail customers may file with the commission generally available rate schedules for the provision of economic development rates and retention rates to industrial customers. Such rates shall take into consideration eligibility criteria, the effect on the utility's fixed and variable costs, the amount of new demand and energy for electric service involved, the effect on employment within the state, material adverse competitive impact on existing in-state firms, and end-user participation in conservation programs and other state established economic development enhancement programs. To ensure fairness in the application of the retention rate to industrial companies that are not planning to leave the state, if the commission finds that it is in the public good, the retention rate may also be offered to a direct competitor of a company that has qualified for such rate. For the purposes of rate making, a utility that adopts an economic development rate or a retention rate shall not be allowed to recover from other ratepayers the difference between the regular tariffed rate and the economic development rate or retention rate unless and only to the extent that the commission determines that it is in the public interest and equitable to other ratepayers.

10 Duration of Economic Development and Retention Rates. The rates established in RSA 378:11-a by the commission shall be available for 5 years after the effective date of this act. Within 3 years after the effective date of this act, the commission shall determine whether the rates are effective in promoting economic development and whether the rates should be extended for the remaining 2 years based on the criteria provided in RSA 378:11-a.

11 Establishment of Procedure. The commission shall prepare and establish the procedure set out in RSA 378:11-a within 150 days after the effective date of this act.

12 New Section; Pilot Program Authorized. Amend RSA 374 by inserting after section 26 the following new section:

374:26-a Retail Competition Pilot Program. The commission shall establish a pilot program, under such terms and conditions as the commission shall deem appropriate, for the purpose of determining the implications of retail competition in the electric industry, provided that the commission determines that such program is fair, lawful, constitutional, consistent with RSA 378:37 and in the public good. This pilot program shall be open to all franchise areas and to all classes of customers.

13 Natural Gas Economic Development and Retention Rates. Notwithstanding any provision of law to the contrary, following the establishment of the procedures required by RSA 378:11-a, the commission shall initiate a proceeding to consider whether economic development and retention rates are appropriate for the sale and distribution of natural gas and whether the commission should establish procedures for the review and approval of economic development and retention tariffs for the sale and distribution of natural gas, provided that if such procedures are established and are applicable at the option of the natural gas utility, such utility shall not be allowed to recover from other ratepayers the difference between the regular tariffed rate and the economic development rate or retention rate unless and only to the extent that the commission determines that it is in the public interest and equitable to other ratepayers.

14 Report by Public Utilities Commission.

I. The commission shall submit an annual report on or before October 1, for the next 5 years to the general court, the governor, and the consumer advocate.

II. The report shall include but not be limited to the following:

- (a) The number of utilities filing economic development and retention rates.
- (b) The number of customers being served by each utility under those rates.
- (c) The impact of the economic development and retention rates on:
  - (1) The load of each utility;
  - (2) The ratepayers of each utility, and;
  - (3) Participating customers to the extent that it can be determined.

15 Change in Effective Date of HB 192. Amend HB 192 of the 1995 legislative session by replacing section 4 of the bill with the following:

4 Effective Date. This act shall take effect July 1, 1995.

16 Contingency. If HB 192 of the 1995 legislative session becomes law, section 15 of this act shall take effect upon its passage. If HB 192 does not take effect, section 15 of this act shall not take effect.

17 Effective Date.

I. Section 12 of this act shall take effect January 1, 1996.

II. Section 15 of this act shall take effect as provided in section 16 of this act.

III. The remainder of this act shall take effect upon its passage.

**SB 173-FN-L**, relative to foundation aid. OUGHT TO PASS WITH AMENDMENT

Rep. W. Gordon Allen for Finance: This bill as amended allows the current Augenblick formula distribution to school districts to continue while allowing distribution of additional funds that may come available to more needy districts. The amendment sets \$4,000 as weighted cost per pupil. Vote 23-0.

#### **Amendment (2584L)**

Amend RSA 198:36, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The foundation amount shall be \$4,000 per weighted pupil.

**SJR 3-FN-A**, urging that the general court evaluate certain programs to ensure that the state budget remains balanced and to ensure that necessary services are provided without a broad-based tax. INEXPEDIENT TO LEGISLATE

Rep. Charles W. Ferguson for Finance: No funds were available to fund this resolution. Vote 19-0.

### REGULAR CALENDAR

**SB 75**, responding to the passage of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric N. Lindblade for Commerce, Small Business, Consumer Affairs and Economic Development: In 1994 the Congress of the United States passed the Riegle-Neal Act, providing for increased opportunities for banks to expand across state lines. This includes mergers, outright purchase, and establishing branches. This bill is a response to the Riegle-Neal Act. It provides for the repeal of existing provisions of state law relative to bank acquisitions by out of state institutions which are in conflict with the provisions of the Riegle-Neal Act. The main thrust of the bill is to provide for an orderly transition for New Hampshire banks into Interstate Branching and acquisitions of out of state banks. An amendment to the bill gives the bank commissioner the authority to examine the bank holding companies, foreign and domestic, operating in New Hampshire. Vote 19-0.

Rep. Bonnie Packard moved Recommit to Committee and spoke in favor.  
Adopted.

**SB 28**, relative to the air resources council. **OUGHT TO PASS**

Rep. Merle W. Schotanus for Finance: The Finance Committee agrees that a member should be added to the Air Resources Council, the Air Resources Division should have administrative fine authority, and an existing rule-making deadline under the emissions credit trading statute should be extended. Vote 19-2.

Adopted and ordered to third reading.

**SB 125-FN-L**, abolishing the New Hampshire retirement system special reserve account. **OUGHT TO PASS**

Rep. Robert L. Wheeler for Finance: The majority of the committee supported the changes in the method of funding additional benefits for members of the New Hampshire retirement system by amending the retirement system special account. The allocation contained in this bill most appropriately reflects contribution levels. Vote 14-7.

Adopted and ordered to third reading.

Reps. Morello, Perkins, Turner and Howard Williams declared conflicts of interest and did not participate.

**SB 157-FN-L**, placing probation-parole officers in group II in the New Hampshire retirement system. **INEXPEDIENT TO LEGISLATE**

Rep. Robert L. Wheeler for Finance: A majority of the committee felt that the significant although unquantifiable long-term costs of expanding the definition of Group II to include probation-parole officers made this bill inappropriate to legislate. Vote 11-10.

Rep. Channing Brown spoke against.

The report failed.

Rep. Channing Brown moved Re-refer to the Committee on Executive Departments and Administration and spoke in favor.

Adopted.

**SB 165-FN-L**, relative to certifying corrections personnel for membership in group II in the New Hampshire retirement system. **INEXPEDIENT TO LEGISLATE**

Rep. Robert L. Wheeler for Finance: The majority of the committee felt that it was inappropriate to adopt the appeal process contained in this bill when certification was accomplished in such a professional basis. Vote 14-7.

Adopted.

**SB 172-FN-A**, authorizing a liquor store in the town of Derry and making an appropriation therefor. **OUGHT TO PASS**

Rep. Patricia A. Dowling for Finance: Derry is the fourth largest community in New Hampshire. Establishing a liquor store in this town, once again, will create accessibility to local and out-of-state consumers, and increase state revenues. Vote 15-4.

Adopted and ordered to third reading.

**SB 111**, designating segments of the Exeter River for the rivers management and protection program. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: RE-REFER TO COMMITTEE.

Rep. Howard C. Dickinson, Jr. for the Majority of Resources, Recreation and Development: This bill, as amended, provides for the Exeter River to be designated as a "rural" river under the New Hampshire Rivers Management and Protection Program. The Exeter River designation starts where the river crosses Route 102 in Chester and flows for some 32 miles through the communities of Sandown, Danville, Fremont, Raymond, Brentwood and Exeter. The river itself is remarkably rural in character, even in downtown Exeter where man-made structures are screened from view by a buffer of trees. Prior to submission for nomination of the river, two informational meetings were held together with a series of five public workshops in three of the area towns. Furthermore, the senior planner from the Rockingham Planning Commission met with the planning boards and/or conservation commissions of each of the towns along the river. All public comment was in favor of the Exeter River being nominated with a "rural" designation. No letters of opposition or adverse testimony were received during the planning process or at the hearings on the bill. The only concern was expressed by the Exeter Selectmen because the town of Exeter withdraws water from the river. Section 6 of the amendment provides for a temporary delay in the designation of the lower 2.3 mile stretch until the "instream flow" rules on such water withdrawal can be clarified. The amendment also clarifies the fact that the local river management advisory committee should be kept informed about what the State and municipalities are planning for projects which may affect the river (sections 2 and 3). These advisory committees are also authorized to apply for, accept and spend gifts, grants, and donations of money to carry out their duties (section 4). Vote 14-2.

Rep. Thomas J. Kirby for the Minority of Resources, Recreation and Development: The minority is opposed to procedural requirements which further restrict the usual activity of municipalities and the State within the half mile width of designated river corridors. This bill, as amended, has the potential to severely impact town and State activity. The minority is very uncomfortable with approving arbitrary exceptions to the statutory rivers legislation on the basis of making the proponents "feel good"; especially as the act of designating the river subjects the river to the requirements of the Federal Power Act for Protected Waterways. This amended proposal needs more committee attention before it is ready for enactment.

#### **Amendment (2538L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

designating segments of the Exeter River for the rivers management and protection program and requiring municipal officials to notify interested parties of proposed actions within designated river corridors.

Amend the bill by replacing all after the enacting clause with the following:

1 Date for Submission of Completed Nominations Changed. Amend RSA 483:6, I to read as follows:

I. Any New Hampshire organization or resident may nominate a river or any segment or segments of such river for protection by submitting to the commissioner a description of the river or segment or segments of such river and its values and characteristics. The completed nomination shall be submitted to the rivers coordinator on or before [July 15] **June 1** in order for it to be considered in the next legislative session. This nomination shall include, but not be limited to, an assessment of fisheries; geologic and hydrologic features; vegetation; wildlife; historical and archaeological features; open space and recreation features and potential; water quality and quantity; dams, buildings, and other man-made structures; riparian interests, including flowage rights known by the nominating individual or group, and other pertinent instream and riverbank information. The nominating party shall hold at least one public meeting on the information prior to final submittal to the commissioner. The nominating party shall advertise the meeting in cooperation with the rivers coordinator and shall give written notice to the governing body of any municipality where segments of the river are located. The rivers coordinator shall provide assistance to the nominating party in the presentation of the nomination at the public meeting.

2 Notification by Municipal Officials Required. Amend RSA 483:8-a, III(a) to read as follows:

(a) To advise the commissioner, the advisory committee, and the municipalities through which the designated river or segment flows on matters pertaining to the management of the river or segment. *Municipal officials, boards, and agencies shall inform such committees of actions which they are considering in managing and regulating activities within designated river corridors.*

3 New Paragraph; Development of Procedure. Amend RSA 483:12-a by inserting after paragraph I the following new paragraph:

I-a. The rivers coordinator shall develop, in conjunction with affected state agencies and local river management advisory committees, the procedure by which the state shall notify the appropriate local river management advisory committee when state action is being considered which affects a designated river corridor.

4 New Paragraph; Acceptance and Expenditure of Funds. Amend RSA 483:13 by inserting after paragraph II the following new paragraph:

III. Local river management advisory committees may apply for and accept, from any source, gifts, grants, and donations of money. The committees may, without further authorization, expend any funds so received to carry out their duties pursuant to RSA 483:8-a.

5 New Paragraph; Exeter River Designated as Protected. Amend RSA 483:15 by inserting after paragraph X the following new paragraph:

XI. Exeter River. As a "rural river" from its headwaters at the route 102 bridge in Chester 29.7 miles to its confluence with Great Brook in Exeter.

6 Local Approval. Notwithstanding RSA 483:7, 483:7-a, I(b)(1), and 483:15, XI, the segment of the Exeter River from its confluence with Great Brook 2.3 miles to the base of the Great Dam in Exeter shall be designated as a rural river provided that the selectmen of the town of Exeter, after a public hearing, vote to approve such designation and notify the commissioner of the department of environmental services of such action no later than July 1, 1998.

7 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill:

(1) Designates segments of the Exeter River for the rivers management and protection program.

(2) Authorizes local river management advisory committees to accept and expend funds.

(3) Changes the date for submission of completed river nominations from July 15 to June 1.

(4) Requires the rivers coordinator to develop a procedure to be used to notify the appropriate local river management advisory committees of actions which they are considering within designated river corridors.

Adopted.

Reps. Kirby and Merritt spoke in favor.

Reps. Dickinson and Kirby offered a floor amendment.

### Floor Amendment (2632L)

Amend the title of the bill by replacing it with the following:

### AN ACT

designating segments of the Exeter River for the rivers management and protection program and requiring municipal officials to notify interested parties of proposed actions within designated rivers.

Amend RSA 483:8-a, III(a) as inserted by section 2 of the bill by replacing it with the following:

(a) To advise the commissioner, the advisory committee, and the municipalities through which the designated river or segment flows on matters pertaining to the management of the river or segment. *Municipal officials, boards, and agencies shall inform such committees of actions which they are considering in managing and regulating activities within designated rivers.*

Amend RSA 483:12-a, I-a, as inserted by section 3 of the bill by replacing it with the following:

I-a. The rivers coordinator shall develop, in conjunction with affected state agencies and local river management advisory committees, the procedure by which the state shall notify the appropriate local river management advisory committee when state action is being considered which affects a designated river.

### AMENDED ANALYSIS

This bill:

(1) Designates segments of the Exeter River for the rivers management and protection program.

(2) Authorizes local river management advisory committees to accept and expend funds.

(3) Changes the date for submission of completed river nominations from July 15 to June 1.

(4) Requires the rivers coordinator to develop a procedure to be used to notify the appropriate local river management advisory committees of actions which they are considering within designated rivers.

Rep. Dickinson spoke in favor.

Adopted.

Majority report adopted and ordered to third reading.

### RECONSIDERATION

Having voted with the prevailing side, Rep. Robert Wollner moved that the House reconsider its action whereby it concurred with the Senate Amendment to **HB 326**, requiring that all governmental business be conducted in English.

Rep. Robert Wollner spoke in favor.

Rep. Robert Wollner requested a roll call; sufficiently seconded.

### YEAS 89 - NAYS 252

#### YEAS 89

#### BELKNAP

None

#### CARROLL

Bradley, Jeb

#### CHESHIRE

Champagne, Richard  
Lynch, Margaret  
Robertson, Timothy

DePecol, Benjamin  
McGuirk, Paul  
Russell, Ronald

Doucette, Richard  
Richardson, Barbara  
Wollner, Robert

Kingsbury, H. Thayer  
Riley, William

#### COOS

Bradley, Paula

Hawkinson, Marie

Mayhew, Josephine

#### GRAFTON

Below, Clifton  
Nordgren, Sharon

Connolly, Steven

Copenhaver, Marion

Crory, Elizabeth

#### HILLSBOROUGH

Allen, W. Gordon  
Clemons, Jane  
Dwyer, Paul, Sr.  
Hall, Betty  
O'Rourke, Joanne  
Toomey, Kathryn

Asselin, Robert  
Cote, David  
Ferguson, Charles  
Holley, Sylvia  
Peters, Stanley  
Turgeon, Roland

Bergeron, Normand  
Cote, Peter  
Foster, Linda  
Hussey, Mary  
Philbrook, Paula  
Wheeler, Craig

Buckley, Raymond  
Drabinowicz, A. Theresa  
Haettenschwiller, Alphonse  
Jean, Claudette  
Soucy, Richard  
White, John

#### MERRIMACK

Chandler, Charles  
Fraser, Marilyn  
Owen, Derek  
Yeaton, Charles

Crosby, Toni  
Jacobson, Alf  
Rogers, Katherine

Daneault, Gabriel  
Moore, Carol  
Trombly, Rick

DeStefano, Stephen  
Newland, Matthew  
Wallner, Mary Jane

**ROCKINGHAM**

Abbott, Dennis  
Kane, Cecelia  
Syracusa, Anthony

Clark, Martha  
Kelley, Jane  
Vaughn, Charles

Coes, Betsy  
McGovern, Cynthia

Gage, Beverly  
Splaine, James

**STRAFFORD**

Berube, Roger  
Hambrick, Patricia  
Loder, Suzanne  
Merritt, Deborah  
Tessimond, Shane

Brown, George  
Hemon, Roland  
Lundborn, Raymond  
Musler, George  
Wall, Janet

Chagnon, Ronald  
Hilliard, Dana  
McCann, William, Jr.  
Pelletier, Arthur  
Wheeler, Katherine

Grassie, Anne  
Keans, Sandra  
Merrill, Amanda  
Snyder, Clair

**SULLIVAN**

Allison, David

Palmer, Lorraine

Stettenheim, Sandy

**NAYS 252****BELKNAP**

Bartlett, Gordon  
Johnson, James  
Rosen, Ralph  
Wendelboe, Francine

Golden, Paul  
Lawton, David  
Smith, Linda  
Ziegler, Alice

Holbrook, Robert  
Lawton, Robert  
Thomas, John

Hurt, George  
Rice, Thomas, Jr.  
Turner, Robert

**CARROLL**

Babson, David, Jr.  
Dickinson, Howard, Jr.  
Mock, Henry

Beach, Mildred  
Howard, Godfrey  
Patten, Betsey

Chandler, Gene  
Kenney, Joseph  
Philbrick, Donald

Cooper, Kipp  
Lyman, L. Randy

**CHESHIRE**

Avery, Stephen  
Hunt, John  
Royce, H. Charles

Cole, Stacey  
Laurent, John  
Smith, Edwin

Delano, Robert  
McNamara, Wanda  
Steere, Myron, III

Feuer, Joseph  
Metzger, Katherine

**COOS**

Coulombe, Henry  
Horton, Lynn

Coulombe, Yvonne  
Merrill, Gerald

Davis, Perley  
Pratt, Leighton

Guay, Lawrence  
St. Hilaire, Paul

**GRAFTON**

Adams, Carl  
Guaraldi, Lawrence  
MacNeil, Allen  
Teschner, Douglass

Bean, Pamela  
LaMott, Paul  
Mirski, Paul  
Tucker, John

Brown, Alson  
Larson, Nils, Jr.  
Phinney, William  
Williams, William, Jr.

Cobbin, Philip  
Lovett, Sidney  
Scanlan, David

**HILLSBOROUGH**

Ahern, Richard  
Andrews, Frederick  
Brundige, Robert  
Champagne, Norma  
Desrosiers, William  
Dyer, Merton  
Francoeur, Gary  
Gotham, Rita  
Hart, Nick  
Hunter, Bruce  
Kelley, Robert  
L'Heureux, Robert  
Letendre, Evelyn  
MacIntyre, Doris

Aksten, Cheryl  
Arnold, Thomas, Jr.  
Calawa, Leon, Jr.  
Clegg, Robert, Jr.  
Dodge, Emma  
Emerton, Lawrence, Sr.  
Franks, Suzan  
Goulet, Maurice  
Herman, Keith  
Jean, Loren  
Kirby, Thomas  
LaRose, Richard  
Lozeau, Donnalee  
Marcinkowski, Michael

Alukonis, David  
Belvin, William  
Cepaitis, Elizabeth  
Daniels, Gary  
Dokmo, Cynthia  
Feng, David  
Gagnon, Eugene  
Hallyburton, Margaret  
Holden, Carol  
Johnson, Lionel  
Krochmal, Mark  
Laughlin, J. Francis  
Luebkert, Bernard  
Martin, Mary

Amidon, Eleanor  
Boutin, David  
Chabot, Robert  
Desmarais, Vivian  
Durham, Susan  
Fenton, James  
Gibson, John  
Hansen, Herbert  
Holt, David  
Kane, Laura  
Kurk, Neal  
Legacy, Earl  
MacGillivray, Jeffrey  
McCarthy, William



McCarty, Winston  
 Mercer, Robert  
 Moncrief, Keith  
 Pepino, Leo  
 Sallada, Roland  
 Taylor, Paul  
 White, Donald

McMahon, Donald  
 Messier, Irene  
 Morello, Michael  
 Perkins, Paul  
 Sargent, Maxwell  
 Thulander, O. Alan  
 Worthen, Dorothy

McRae, Karen  
 Milligan, Robert  
 O'Hearn, Jane  
 Reidy, Frank  
 Searles, Stanley, Sr.  
 Wells, Peter, Sr.  
 Wright, George

Melcher, Harold  
 Mittelman, David  
 Packard, Bonnie  
 Riley, Frances  
 Sullens, Joan  
 Wheeler, Robert

### MERRIMACK

Barberia, Richard  
 Chandler, John  
 Kennedy, Richard  
 Morrill, Olive  
 Pitman, Mary Ellen  
 Whalley, Michael

Brown, Mary  
 Crowell, Peter  
 Lamach, Bernard  
 Nichols, Avis  
 Shaw, Randall  
 Whittemore, James

Buessing, Marjorie  
 Feuerstein, Martin  
 Langer, Ray  
 Patenaude, Amy  
 Varsalone, Robert  
 Willis, Jack

Chandler, Earle  
 Holmes, Mary  
 MacKay, James  
 Pfaff, Terence  
 Warner, Richard

### ROCKINGHAM

Arndt, Janet  
 Belanger, Ronald  
 Carson, Gregory  
 Conroy, Janet  
 Dowd, Sandra  
 Felch, Charles, Sr.  
 Flanders, John, Sr.  
 Gorman, Donald  
 Hurst, Sharleene  
 Klemm, Arthur, Jr.  
 Lee, Rebecca  
 McCarthy, John, Jr.  
 Nowe, Ronald  
 Raynowska, Bernard  
 Sabella, Norma  
 Stone, Joseph  
 Tufts, J. Arthur  
 Yennaco, Carol

Attar, Kevin  
 Bishop, Franklin  
 Case, Margaret  
 Crossman, Harold, Jr.  
 Dowling, Patricia  
 Fesh, Robert  
 Gargiulo, Louis  
 Hawkins, Robert  
 Johnson, Robert  
 Kobel, Rudolph  
 Lovejoy, Marian  
 McKinney, Betsy  
 Noyes, Richard  
 Richards, David  
 Scanlon, Edward  
 Stritch, C. Donald  
 Weare, Everett

Battles, Marjorie  
 Boucher, William  
 Christie, Andrew, Jr.  
 Dodge, Robert  
 Dube, LeRoy  
 Flanagan, Natalie  
 Gleason, John  
 Haynes, Richard  
 Katsakiores, George  
 Kruse, Fred  
 Magoon, Harold  
 Moore, Benjamin  
 Packard, Sherman  
 Ross, James  
 Senter, Marilyn  
 Sytek, Donna  
 Welch, David

Beaulieu, Jon  
 Camm, Kevin  
 Clark, Vivian  
 Dolan, Richard  
 Dunham, Vivian  
 Flanders, David  
 Goddard, Warren  
 Henderson, Warren  
 Katsakiores, Phyllis  
 Langley, Jane  
 Malcolm, Ken  
 Morris, Debbie  
 Putnam, Ed, II  
 Rubin, George  
 Smith, Arthur  
 Sytek, John  
 Weyler, Kenneth

### STRAFFORD

Brown, Julie  
 McKinley, Robert  
 Torr, Ann

Douglass, Clyde  
 Spear, Barbara  
 Torr, Franklin

Dunlap, Patricia  
 Steadman, Frederick  
 Wasson, Richard

Knowles, William  
 Sullivan, Henry  
 Williams, Howard

### SULLIVAN

Adler, Rudolf  
 Peyron, Fredrik

Flint, Gordon  
 Whipple, Allen

Krueger, Richard

Lindblade, Eric

and reconsideration lost.

### SENATE MESSAGE

#### REQUESTS CONCURRENCE WITH AMENDMENT

**HB 179-FN-A**, relative to the reconstruction of the railroad overpass on NH route 135 near the John's River in the town of Dalton and making an appropriation therefor. (Amendment printed SJ 19, 5/11/95)

Rep. Gene Chandler moved that the House concur.

Rep. Keans spoke against and yielded to questions.

Rep. Trombly spoke to the request for concurrence.

Rep. Ann Torr spoke in favor and yielded to questions.

**MOTION TO LAY ON THE TABLE**

Rep. Hallyburton moved that the request for concurrence with amendment on **HB 179-FN-A**, relative to the reconstruction of the railroad overpass on NH route 135 near the John's River in the town of Dalton and making an appropriation therefor, be laid on the table.

On a division vote, 109 members having voted in the affirmative and 234 in the negative, the motion failed.

**REQUESTS CONCURRENCE WITH AMENDMENT (Cont'd.)**

Rep. Donna Sytek spoke against and yielded to questions.

Rep. Hess spoke in favor and yielded to questions.

Rep. Pfaff requested a roll call; sufficiently seconded. The question being concurrence with the Senate amendment to **HB 179-FN-A**.

**YEAS 205 - NAYS 141****YEAS 205****BELKNAP**

Bartlett, Gordon	Golden, Paul	Holbrook, Robert	Johnson, James
Lawton, David	Lawton, Robert	Rosen, Ralph	Smith, Linda
Thomas, John	Turner, Robert	Wendelboe, Francine	Ziegra, Alice

**CARROLL**

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cooper, Kipp	Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph
Mock, Henry	Patten, Betsey	Philbrick, Donald	

**CHESHIRE**

Avery, Stephen	Cole, Stacey	Delano, Robert	Feuer, Joseph
Hunt, John	Laurent, John	McNamara, Wanda	Royce, H. Charles
Smith, Edwin	Steere, Myron, III		

**COOS**

Coulombe, Yvonne	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	St. Hilaire, Paul		

**GRAFTON**

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Chase, Paul, Jr.	Cobbin, Philip	Connolly, Steven	Guaraldi, Lawrence
LaMott, Paul	Larson, Nils, Jr.	Scanlan, David	Teschner, Douglass
Williams, William, Jr.			

**HILLSBOROUGH**

Aksten, Cheryl	Alukonis, David	Amidon, Eleanor	Andrews, Frederick
Arnold, Thomas, Jr.	Asselin, Robert	Barody, Benjamin	Boutin, David
Brundige, Robert	Buckley, Raymond	Calawa, Leon, Jr.	Chabot, Robert
Champagne, Norma	Clegg, Robert, Jr.	Cote, David	Daniels, Gary
Desrosiers, William	Dodge, Emma	Drabinowicz, A. Theresa	Dwyer, Paul, Sr.
Dyer, Merton	Emerton, Lawrence, Sr.	Feng, David	Fenton, James
Ferguson, Charles	Fields, Dennis	Francœur, Gary	Franks, Suzan
Gagnon, Eugene	Gibson, John	Gotham, Rita	Goulet, Maurice
Hart, Nick	Herman, Keith	Holley, Sylvia	Hussey, Mary
Jean, Claudette	Jean, Loren	Kelley, Robert	Krochmal, Mark
Kurk, Neal	L'Heureux, Robert	Legacy, Earl	Luebker, Bernard
MacGillivray, Jeffrey	Marcinkowski, Michael	McCarthy, William	McCarty, Winston
Mercer, Robert	Milligan, Robert	Mittelman, David	Moncrief, Keith
Morello, Michael	O'Rourke, Joanne	Packard, Bonnie	Pepino, Leo
Perkins, Paul	Peters, Stanley	Riley, Frances	Sallada, Roland
Sargent, Maxwell	Searles, Stanley, Sr.	Taylor, Paul	Toomey, Kathryn
Wheeler, Craig	Wheeler, Robert	White, Donald	Worthen, Dorothy
Wright, George			

**MERRIMACK**

Barberia, Richard  
Daneault, Gabriel  
Kennedy, Richard  
Patenaude, Amy  
Trombly, Rick  
Whittemore, James

Chandler, Earle  
Feuerstein, Martin  
Langer, Ray  
Pfaff, Terence  
Varsalone, Robert  
Willis, Jack

Chandler, John  
Hess, David  
MacKay, James  
Pitman, Mary Ellen  
Warner, Richard

Crowell, Peter  
Holmes, Mary  
Nichols, Avis  
Shaw, Randall  
Whalley, Michael

**ROCKINGHAM**

Attar, Kevin  
Conroy, Janet  
Dowd, Sandra  
Fesh, Robert  
Gargiulo, Louis  
Haynes, Richard  
Klemm, Arthur, Jr.  
Magoon, Harold  
Nowe, Ronald  
Richards, David  
Stone, Joseph  
Welch, David

Belanger, Ronald  
Crossman, Harold, Jr.  
Dowling, Patricia  
Flanagan, Natalie  
Gleason, John  
Johnson, Robert  
Kobel, Rudolph  
McCarthy, John, Jr.  
Noyes, Richard  
Rubin, George  
Stritch, C. Donald  
Yennaco, Carol

Bishop, Franklin  
Dodge, Robert  
Dube, LeRoy  
Flanders, John, Sr.  
Gorman, Donald  
Katsakiores, George  
Kruse, Fred  
McKinney, Betsy  
Putnam, Ed, II  
Senter, Merilyn  
Syracusa, Anthony

Boucher, William  
Dolan, Richard  
Dunham, Vivian  
Gage, Beverly  
Hawkins, Robert  
Katsakiores, Phyllis  
Lee, Rebecca  
Morris, Debbie  
Raynowska, Bernard  
Smith, Arthur  
Vaughn, Charles

**STRAFFORD**

Berube, Roger  
McKinley, Robert  
Torr, Ann

Douglass, Clyde  
Musler, George  
Torr, Franklin

Dunlap, Patricia  
Spear, Barbara  
Wasson, Richard

McCann, William, Jr.  
Steadman, Frederick  
Williams, Howard

**SULLIVAN**

Adler, Rudolf

Krueger, Richard

Lindblade, Eric

Peyron, Fredrik

**NAYS 141****BELKNAP**

Hurt, George

Rice, Thomas, Jr.

**CARROLL**

Lyman, L. Randy

**CHESHIRE**

Champagne, Richard  
Lynch, Margaret  
Robertson, Timothy

DePecol, Benjamin  
McGuirk, Paul  
Russell, Ronald

Doucette, Richard  
Metzger, Katherine  
Wollner, Robert

Kingsbury, H. Thayer  
Richardson, Barbara

**COOS**

Bradley, Paula  
Mayhew, Josephine

Coulombe, Henry

Davis, Perley

Hawkinson, Marie

**GRAFTON**

Below, Clifton  
MacNeil, Allen  
Tucker, John

Copenhaver, Marion  
Mirski, Paul

Crory, Elizabeth  
Nordgren, Sharon

Lovett, Sidney  
Phinney, William

**HILLSBOROUGH**

Ahern, Richard  
Cepaitis, Elizabeth  
Dokmo, Cynthia  
Hall, Betty  
Holt, David

Allen, W. Gordon  
Clemons, Jane  
Durham, Susan  
Hallyburton, Margaret  
Hunter, Bruce

Belvin, William  
Cote, Peter  
Foster, Linda  
Hansen, Herbert  
Johnson, Lionel

Bergeron, Normand  
Desmarais, Vivian  
Haettenschwiller, Alphonse  
Holden, Carol  
Kane, Laura

Kirby, Thomas  
Lozeau, Donnalee  
McRae, Karen  
Philbrook, Paula  
Sullens, Joan

LaRose, Richard  
MacIntyre, Doris  
Melcher, Harold  
Reidy, Frank  
Thulander, O. Alan

Laughlin, J. Francis  
Martin, Mary  
Messier, Irene  
Soucy, Richard  
Turgeon, Roland

Letendre, Evelyn  
McMahon, Donald  
O'Hearn, Jane  
Streeter, Janice  
White, John

### MERRIMACK

Brown, Mary  
DeStefano, Stephen  
Lamach, Bernard  
Owen, Derek

Buessing, Marjorie  
Dunn, Miriam  
Moore, Carol  
Rogers, Katherine

Chandler, Charles  
Fraser, Marilyn  
Morrill, Olive  
Wallner, Mary Jane

Crosby, Toni  
Jacobson, Alf  
Newland, Matthew  
Yeaton, Charles

### ROCKINGHAM

Abbott, Dennis  
Camm, Kevin  
Clark, Martha  
Goddard, Warren  
Kane, Cecelia  
Malcolm, Ken  
Ross, James  
Sytek, Donna  
Weyler, Kenneth

Arndt, Janet  
Carson, Gregory  
Clark, Vivian  
Henderson, Warren  
Kelley, Jane  
McGovern, Cynthia  
Sabella, Norma  
Sytek, John

Battles, Marjorie  
Case, Margaret  
Felch, Charles, Sr.  
Hurst, Sharleene  
Langley, Jane  
Moore, Benjamin  
Scanlon, Edward  
Tufts, J. Arthur

Beaulieu, Jon  
Christie, Andrew, Jr.  
Flanders, David  
Hutchinson, Karen  
Lovejoy, Marian  
Packard, Sherman  
Splaine, James  
Weare, Everett

### STRAFFORD

Brown, George  
Hambrick, Patricia  
Knowles, William  
Merritt, Deborah  
Tessimond, Shane

Brown, Julie  
Hemon, Roland  
Loder, Suzanne  
Pelletier, Arthur  
Wall, Janet

Chagnon, Ronald  
Hilliard, Dana  
Lundborn, Raymond  
Snyder, Clair  
Wheeler, Katherine

Grassie, Anne  
Keans, Sandra  
Merrill, Amanda  
Sullivan, Henry

### SULLIVAN

Allison, David  
Whipple, Allen

Flint, Gordon

Palmer, Lorraine

Stettenheim, Sandy

and concurrence was adopted.

### RECONSIDERATION

Having voted with the prevailing side, Rep. David Scanlan moved that the House reconsider its action whereby it concurred with the Senate amendment to **HB 179-FN-A**, establishing the department of youth development services, abolishing the bureau of residential services, and relative to the reconstruction of a certain railroad overpass and making an appropriation therefor.

Reconsideration lost.

### RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, May 23, 1995 at 1:00 p.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**SB 8-FN-A**, relative to the Portsmouth Naval Shipyard and making an appropriation therefor.

**SB 91-FN**, authorizing an entrance fee to the Seacoast Science Center at Odiorne Point state park in Rye, New Hampshire.

**SB 104-FN**, allowing a liquor license and establishing a license fee for a billiards/pool hall.

**SB 107-FN**, allowing licensed beverage manufacturers to sell beverages to the general public in limited quantities for off-premises consumption.

**SB 122-FN**, relative to the delivery of trauma care services and making an appropriation therefor.

**SB 131-FN-A**, relative to taxes paid on simulcast greyhound racing.

**SB 138-FN-A**, relative to the rate of interest on overpayments and delinquencies on taxes administered by the department of revenue administration.

**SB 149-FN-L**, relative to disability benefits and retirement system membership.

**SB 150-FN-L**, relative to the definition of earnable compensation for retirement system purposes.

**SB 151-FN-L**, relative to the management of retirement system funds.

**SB 163-FN-L**, allowing an employee of the town of Bristol to buy back time in the New Hampshire retirement system.

**SB 168-FN-A**, establishing a task force to examine issues related to retail wheeling and making an appropriation therefor.

**SB 173-FN-L**, relative to foundation aid.

**SB 28**, relative to the air resources council.

**SB 125-FN-L**, abolishing the New Hampshire retirement system special reserve account.

**SB 172-FN-A**, authorizing a liquor store in the town of Derry and making an appropriation therefor.

**SB 111**, designating segments of the Exeter River for the rivers management and protection program.

### UNANIMOUS CONSENT

Rep. Milligan addressed the House.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills, enrolling reports and forming Committees of Conference only.

Adopted.

The House recessed at 3:10 p.m.

### RECESS

(Rep. Gagnon in the Chair)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 3, 505 and 529 and Senate Bills numbered 155 and 170.

Rep. Edwin Smith, Sen. Currier for the Committee

### RECESS

(Rep. Buckley in the Chair)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 171, 176, 185, 205 and 350 and Senate Bill numbered 87.

Rep. Buckley, Sen. Currier for the Committee

### RECESS

(Rep. Thomas Cain in the Chair)

### RESOLUTION

Its introduction having been approved by the Rules Committee,

Rep. Calawa offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 174, shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

### INTRODUCTION OF SENATE BILL

#### First, second reading referral

**SB 174-L**, allowing the city of Manchester to establish and operate a civic center and establishing a civic center commission. (Commerce, Small Business, Consumer Affairs and Economic Development)

### RECESS

Rep. Cole moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 22**

Tuesday, May 23, 1995

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of persistent compassion, we strive to cherish Your life in our lives so that in all the seasons of human experience we may know the healing energy of Your love and the refreshing grace of Your truth. Trusting in Your nearness to us, we seek to give ourselves to Your highest hopes for us and our world. And as we rely on Your love and care for us, help us to make positive and lasting contributions to the health of the common good. Amen.

Rep. Arndt led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Bridgewater, Clegg, DeChane, Robert Foster, Healy, Nehring and Trelfa, the day, illness.

Reps. Ahern, Avery, Boucher, Mary Brown, Burke, Dewhirst, Douglass, Mark Holt, Lupien, Manning, Amanda Merrill, Musler, O'Rourke, Pfaff, David Richards, Showerman, Donna Soucy, Ralph Torr and Tufts, the day, important business.

Rep. Charles Cote, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Brienne McNamara and Kim Carter, daughter and guest of Rep. McNamara. Susan Adams, daughter of Rep. Carl Adams. Michael Tensel, guest of Rep. Linda Smith. Beata Klemm, Julie Klemm, Julie Woen, Amelia Gardner, Emma Armador and Patricia Owen, guests of Rep. Owen. Elizabeth Bickford, Ines Ferriter and Dorothy Flint, guests of Rep. Flint. Jessica Johnson, guest of Rep. Buessing. John Gooding, guest of Reps. Hill and McCarthy. Robert Varsalone, Sr., Anna Marie Varsalone, Theresa Renna and Esther Florio, guests of Rep. Varsalone. Sharron Smith, wife of Rep. Edwin Smith. Ann Walker and Jan McManus, teachers, and 4th grade students of the Dondero School, guests of the Portsmouth Delegation. Adelaide McGarrett, Edith Cheever and Joan Melcher, guests of Rep. Melcher. M. Therese Wasson, Marguerite Charette, Andre Gerin-Lajoie, Lt. Kenneth Wasson and Christine Wasson, guests of Rep. Wasson. Cheryl Thompson, Suzanne Simmons, Judith Williams and Sandra LeBreux, guests of Rep. Case.

**GUESTS ON THE ROSTRUM**

Betsey Harris and Ann Caldwell, co-winners of the 1995 Citizen Planner of the Year award and Jeff Taylor, Director of State Planning, guests of the House. Maja Berbic from Tuzla, Bosnia and her surrogate mother Anna Mae Mosley, guests of the House.

**CONFERE CHANGE**

**HB 389**, defining compensation for the purposes of determining immunity from liability for directors and officers of nonprofit organizations.

Rep. Wall off; Rep. Lionel Johnson on.

**SENATE MESSAGES****REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 1-A**, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1996, and June 30, 1997. (Committee Amendment printed Senate Calendar dated 5/16/95, Floor Amendments printed SJ 21, 5/18/95)

Rep. Channing Brown moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Channing Brown, Frank Torr, Schotanus, Burns and Trombly (Alternates: Ann Torr, Kurk, Ferguson, Mary Jane Wallner and David Scanlan)

**HB 2-FN**, relative to state fees, funds, revenues and expenditures. (Amendment printed SJ 21, 5/18/95)

Rep. Channing Brown moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Frank Torr, Channing Brown, Ann Torr, Hess and Trombly (Alternates: Burns, Bean, Dowling and Buckley)

**HB 25-A**, making appropriations for capital improvements and establishing a committee to oversee and set priorities for certain appropriations. (Amendment printed SJ 21, 5/18/95)

Rep. Gene Chandler moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Gene Chandler, Edwin Smith, Rogers and Kurk.

**HB 50-FN**, relative to health insurance coverage for retirement system member spouses and dependents. (Amendment printed SJ 20, 5/16/95)

Rep. Channing Brown moved that the House concur.

Adopted.

**HB 52-FN-L**, changing the age for application of the delinquency provisions from 18 to 17. (Amendment printed SJ 16, 4/27/95)

Rep. Donna Sytek moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Donna Sytek, Lozeau, Knowles and Klemm.

**HB 139**, requiring a study of certain phosphate levels in the no-wake zone on Big Squam Lake and Little Squam Lake. (Amendment printed SJ 20, 5/16/95)

Rep. George Katsakiores moved that the House concur.

Adopted.

**HB 168-FN-A**, establishing the Squam Lakes Public Access Trust Program. (Amendment printed SJ 18, 5/4/95)

Rep. Dickinson moved that the House concur.

Adopted.

**HB 181-FN**, establishing the motor oil discharge cleanup fund. (Amendment printed SJ 19, 5/11/95)

Rep. Philbrick moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Wasson, Holbrook, Owen and Whalley.

**HB 188**, establishing a study committee concerning disclosure requirements for bonds issued by political subdivisions. (Amendment printed SJ 19, 5/11/95)

Rep. Bonnie Packard moved that the House concur.

Adopted.

**HB 211-L**, changing the school foundation aid distribution formula, and providing for sweepstakes powerball revenue to be used for state aid to education. (Amendment printed SJ 20, 5/16/95)

Rep. Larson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Larson, Laurent, Ferguson and John White.

**HB 245**, changing the lapse date of the economic development fund and relative to an appropriation made in the 1994-1995 operating budget. (Amendment printed SJ 20, 5/16/95)

Rep. Channing Brown moved that the House concur.

Adopted.

**HB 263**, relative to the board of registration in medicine and making an appropriation for clerical support. (Amendment printed SJ 19, 5/11/95)

Rep. Mercer moved that the House concur.

Adopted.

**HB 295**, relative to the use of recycled oil. (Amendment printed SJ 20, 5/16/95)

Rep. Philbrick moved that the House concur.

Adopted.

**HB 324-FN**, relative to taking or harvesting clams and relative to clam license fees. (Amendment printed SJ 20, 5/16/95)

Rep. Thomas Cain moved that the House concur.

Adopted.

**HB 332-FN-A**, providing for certain services for the developmentally disabled and making an appropriation therefor. (Amendment printed SJ 21, 5/18/95)

Rep. Holmes moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Senter, Amidon, Carol Moore and Earle Chandler.

**HB 342**, relative to the use of moorings and clarifying related definitions. (Amendment printed SJ 21, 5/18/95)

Rep. Dickinson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Whalley, William Williams, Merritt and Dickinson.

**HB 362**, relative to the authority to make arrests in fresh pursuit. (Amendment printed SJ 21, 5/18/95)

Rep. Welch moved that the House concur.

Adopted.

**HB 375**, relative to the interest rate on judgments. (Amendment printed SJ 19, 5/11/95)

Rep. Bonnie Packard moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Krueger, Herman, Pappas and DeStefano.

**HB 390**, relative to the grandfathering of subdivisions and separate lots. (Amendment printed SJ 19, 5/11/95)

Rep. Behrens moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Metzger, Laurent, Linda Foster and Patten.

**HB 414-FN-L**, repealing a requirement that a municipality pay certain abatement-related expenses of the board of tax and land appeals following a reappraisal in that municipality by a commercial firm, and giving the board jurisdiction to review the necessity of a taking under RSA 498-A. (Amendment printed SJ 20, 5/16/95)

Rep. Behrens moved that the House concur.

Adopted.

**HB 431**, relative to the bank commissioner's supervision of New Hampshire bank holding companies and out-of-state bank holding companies doing business in New Hampshire. (Amendment printed SJ 21, 5/18/95)

Rep. Bonnie Packard moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Bonnie Packard, Gage, Lindblade and Syracuse.

**HB 436**, relative to the duties of the legislative ethics committee. (Amendment printed SJ 19, 5/11/95)

Rep. Horton moved that the House concur.

Adopted.



**HB 441**, relative to the headway speed in tidal and non-tidal waters. (Amendment printed SJ 21, 5/18/95)

Rep. George Katsakiores moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Malcolm, Emma Dodge, Desmarais and Jane Kelley.

**HB 449**, establishing a study committee to examine and recommend a process for certifying persons who perform tax assessments and property appraisals for municipalities. (Amendment printed SJ 19, 5/11/95)

Rep. Behrens moved that the House concur.

Adopted.

**HB 468**, relative to mutual savings banks. (Amendment printed SJ 21, 5/18/95)

Rep. Bonnie Packard moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Bonnie Packard, Gage, Krueger and Syracuse.

**HB 485**, relative to the taxation of transfers of certain estates. (Amendment printed SJ 21, 5/18/95)

Rep. Channing Brown moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Kurk, Weyler, Nichols and Hawkinson.

**HB 494-FN**, relative to the fee for analyses required by the federal Safe Drinking Water Act. (Amendment printed SJ 20, 5/16/95)

Rep. Dickinson moved that the House concur.

Adopted.

**HB 508-FN**, relative to liability insurance coverage and defense expenses for foster parents. (Amendment printed SJ 18, 5/24/95)

Rep. Bonnie Packard moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Bonnie Packard, Gage, Stone and Fuller Clark.

**HB 518-FN**, relative to increasing the value of abandoned property subject to reporting, changing the time period after which property is assumed to be abandoned, and changing the advertising and notice requirement for abandoned property. (Amendment printed SJ 20, 5/16/95)

Rep. Bonnie Packard moved that the House concur.

Adopted.

**HB 519-FN-A**, authorizing the commissioner of safety to establish a pilot program in the city of Concord and other cities, which allows an alternative procedure for collecting state funds for motor vehicle registrations. (Amendment printed SJ 21, 5/18/95)

Rep. George Katsakiores moved that the House concur.

Adopted.

**HB 532-FN**, requiring co-payments from inmates of state correctional facilities for inmate initiated medical care and mental health services and repayment for costs of property damage, escape and riots. (Amendment printed SJ 20, 5/16/95)

Rep. Donna Sytek moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Donna Sytek, Lozeau, Weare and Knowles.

**HB 534-FN**, relative to the duties of the secretary of state. (Amendment printed SJ 17, 5/2/95)

Rep. Bonnie Packard moved that the House concur.

Adopted.

**HB 551-FN**, relative to the denial or revocation of drivers', occupational, and sporting licenses for nonpayment of child support, and making an appropriation therefor. (Amendment printed SJ 20, 5/16/95)

Rep. Lockwood moved that the House concur.

Adopted.

**HB 558-FN-A**, requiring certain nonprofit health insurers and dental insurers to pay the premium tax. (Amendment printed SJ 20, 5/16/95)

Rep. Channing Brown moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Kurk, Sallada, Weyler and Donna Soucy.

**HB 561-FN**, repealing the workers' compensation commission. (Amendment printed SJ 21, 5/18/95)

Rep. Mercer moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dyer, Steere, Channing Brown and Dunn.

**HB 571-FN**, relative to use of per diem compensation by state boards and commissions and by the counties to pay certain costs for requirements of bailiffs imposed by a county sheriff's department; increasing the pay of parole board members; and requiring a termination provision for advisory committees. (Amendment printed SJ 20, 5/16/95)

Rep. Mercer moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Emerton, Robert Dodge, Dunn and Klemm.

**HB 604-FN-L**, abolishing the Pittsfield district court. (Amendment printed SJ 20, 5/16/95)

Rep. Lockwood moved that the House concur.

Adopted.

**HB 618-FN**, requiring the department of safety to keep drivers' records confidential except for certain reasons. (Amendment printed SJ 21, 5/18/95)

Rep. George Katsakiores moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Kruse, Mock, Berube and Kurk.

**HB 641-FN**, relative to regulation of mortgage loan servicing companies by the banking department and requiring mortgage loan servicing companies to register with and pay registration fees to the department. (Amendment printed SJ 21, 5/18/95)

Rep. Bonnie Packard moved that the House concur.

Adopted.

**HB 649-FN-L**, relative to independent contractors under workers' compensation. (Amendment printed SJ 21, 5/18/95)

Rep. Hawkins moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hawkins, Arthur Smith, Daniels and Mears.

**HB 650-FN-A**, concerning youth access to tobacco and making an appropriation therefor. (Amendment printed SJ 20, 5/16/95)

Rep. Bonnie Packard moved that the House concur.

Rep. Haettenschwiller spoke against.

Rep. Bonnie Packard spoke in favor.

On a division vote, 243 members having voted in the affirmative and 83 in the negative, the motion was adopted.

**HB 652-FN-L**, allowing criminal action after a juvenile offender's nineteenth birthday in certain circumstances, and making technical changes to the juvenile delinquency provisions. (Amendment printed SJ 21, 5/18/95)

Rep. Donna Sytek moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Donna Sytek, Lozeau, Knowles and Klemm.

### **ACCEDES TO REQUESTS FOR COMMITTEES OF CONFERENCE**

**HB 105**, relative to amateur boxing.

The President appointed Sens. Stawasz, Barnes and J. King.

**HB 111**, relative to agreements to pay compensation for abandoned property recovery.

The President appointed Sens. Rodeschin, Fraser and Larsen.

**HB 252**, requiring health insurers to provide coverage for nonprescription enteral formulas when medically necessary for the treatment of malabsorption.

The President appointed Sens. Danais, Shaheen and Fraser.

**HB 258**, relative to recreational trails.

The President appointed Sens. Danais, Roberge and Cohen.

**HB 312-FN-A-L**, eliminating the advisory council on literacy and dropout prevention and establishing a committee to study literacy issues, and funding state literacy programs.

The President appointed Sens. Lovejoy, Gordon and Larsen.

**HB 317-FN**, relative to disqualification for unemployment compensation benefits due to self-employment.

The President appointed Sens. Danais, Johnson and Shaheen.

**HB 395**, relative to the jurisdiction of the zoning board of adjustment, the appeal of land use decisions, and the exhaustion of administrative remedies.

The President appointed Sens. Rubens, F. King and J. King.

**HB 542-FN**, permitting nonattorneys to represent taxpayers in certain appeals before municipalities and the board of tax and land appeals.

The President appointed Sens. Rodeschin, Stawasz and Larsen.

**HB 588-FN-L**, relative to a forfeiture for failure to license a dog.

The President appointed Sens. Cohen, Roberge and Pignatelli

**HB 643**, allowing cruise ships, the primary purpose of which is tourism, to come into New Hampshire waters if their gambling machines are shut down.

The President appointed Sens. Roberge, Rodeschin and Cohen.

### **CONCURRENCE**

**HB 56-FN-A**, relative to the interest and dividends tax and relative to certain credits against the business profits tax.

**HB 58-FN-A**, increasing the supervision and service charge for parolees and probationers.

**HB 60-FN**, relative to health care and making certain appropriations therefor and pertaining to certificate of need requirements, the health care transition fund, the children's health plan, participation in the medicaid health insurance program, primary preventive health services, and medicaid and disability coverage, and repealing certain programs.

**HB 545-FN**, relative to child support collection and related rulemaking authority of the director of human services and making an appropriation therefore.

**HB 560-FN-A**, establishing a residential care pilot program and making an appropriation therefor.

**HB 584-FN-L**, relative to payment in lieu of taxes for the dam owned by the division of water resources in Pittsburg and Clarksville.

**HB 592-FN-A**, relative to pledges raised by the community development finance authority.

**HB 601-FN**, relative to retirement benefits for a former group II member of the New Hampshire retirement system.

**HB 609-FN-A**, relative to testing for bloodborne diseases under workers' compensation.

**HB 639-FN**, reclassifying portions of certain roads in the towns of Sugar Hill and Albany.

**HB 651-FN-A**, extending the date for the submission of a river basin planning and assessment program by the department of environmental services and making an appropriation therefor and relative to the Upper Valley Lake Sunapee Regional Planning Commission.

### CONCURRENCE WITH AMENDMENTS

**SB 8-FN-A**, relative to the Portsmouth Naval Shipyard and making an appropriation therefor.

**SB 56-FN**, allowing lenders to provide copies of loan documents marked "paid in full" or "cancelled" upon full repayment of closed-end loans.

**SB 86-FN**, relative to indoor air quality in state buildings.

**SB 122-FN**, relative to the delivery of trauma care services.

### NONCONCURRENCE WITH AMENDMENTS

**SB 125-FN-L**, abolishing the New Hampshire retirement system special reserve account.

### NONCONCURRENCE

**HB 53-FN**, relative to information technology management and relative to the information technology management advisory board.

**HB 54-FN**, relative to the permanently and totally disabled and aid to families with dependent children.

**HB 59-FN-L**, relative to children's services and pertaining to delinquent children, abused and neglected children, children in need of services, and financial responsibility for certain expenses.

### NONCONCURS WITH AMENDMENTS

### REQUESTS COMMITTEES OF CONFERENCE

**SB 28**, relative to the air resources council.

The President appointed Sens. Rodeschin, Larsen and Stawasz.

Rep. Jeb Bradley moved that the House accede.

Adopted.

The Speaker appointed Reps. Jeb Bradley, LaMott, Donald White and Grassie.

**SB 57-FN**, requiring the department of resources and economic development, the office of state planning, Pease development authority, and the business finance authority to make annual reports on their economic development programs.

The President appointed Sens. Johnson, F. King and Shaheen.

Rep. Bonnie Packard moved that the House accede.

Adopted.

The Speaker appointed Reps. Bonnie Packard, Gage, Henderson and Syracuse.

**SB 67**, relative to the recording of plats and relative to the power to review site plans.

The President appointed Sens. Barnes, Stawasz and Larsen.

Rep. Behrens moved that the House accede.

Adopted.

The Speaker appointed Reps. Cepaitis, Fesh, Rice and Linda Foster.

**SB 118-FN**, relative to state contracts and the competitive bidding process.

The President appointed Sens. Rodeschin, Colantuono and J. King.

Rep. Mercer moved that the House accede.

Adopted.

The Speaker appointed Reps. John Sytek, Robert Dodge, Cooper and Howard Williams.

**SB 150-FN-L**, relative to the definition of earnable compensation for retirement system purposes.

The President appointed Sens. Danaïs, J. King and Russman.

Rep. Mercer moved that the House accede.

Adopted.

The Speaker appointed Reps. Dyer, Steere, Robert Wheeler and Stettenheim.

**SB 151-FN-L**, relative to the management of retirement system funds.

The President appointed Sens. Danaïs, J. King and Fraser.

Rep. Mercer moved that the House accede.

Adopted.

The Speaker appointed Reps. Dyer, Langer, Robertson and Channing Brown.

**SB 156-FN-A**, establishing a committee to study the issues of lead abatement and relative to certain lead abatement issues.

The President appointed Sens. Wheeler, Lovejoy and J. King.

Rep. Holmes moved that the House accede.

Adopted.

The Speaker appointed Reps. Warner, Ziegra, Katharin Pratt and Copenhaver.

## ENROLLED BILLS AMENDMENTS

**HB 152-FN**, allowing the New Hampshire technical institute and technical colleges to apply for accreditation other than as a technical institute or technical college, renaming the department, the institute and colleges, and making administrative revisions.

### Amendment (2700L)

Amend section 18 of the bill by replacing line 2 with the following:

Administrative Board Deleted. Amend RSA 188-F:26, XIV to read as follows:

Amend section 21 of the bill by replacing line 1 with the following:

21 Name Change. Amend RSA 188-F:33 to read as

Amend section 23 of the bill by replacing line 9 with the following:

188-F:42, I(c)(4); 188-F:42, I(c)(6); 188-F:44-46; introductory

Amend the bill by deleting sections 15 and 22 and renumbering the original sections 16-21 and 23-28 to read as 15-26.

Amend the bill by replacing section 26 with the following:

26 Technical College Name Changed; Administrative Board Deleted; Commissioner Added. Amend RSA 188-F:16 and 17 to read as follows:

188-F:16 Tuition Waived.

I. If a person is domiciled in this state while serving in or with the armed forces of the United States and is, after February 28, 1961, reported or listed as missing, or missing in action, or interned in a neutral country, or beleaguered, besieged or captured by the enemy during the Southeast Asian conflict, any child of such person, enrolled after March 23, 1972, in a *regional community*-technical institute or [a technical] college shall, so long as said person is so reported, listed, interned, beleaguered, besieged or captured, not be required to pay tuition for attendance at such school. Any person entitled to free tuition under this section shall apply to the commissioner who may require such proof as deemed necessary in order for a person to qualify for free tuition under this section.

II. The board of governors shall have the authority to allow full-time employees who have one year of previous service at the New Hampshire *regional community*-technical institute[, the technical] or colleges, or the department of postsecondary technical education, free tuition, and to the dependents of such employees a 50 percent discount of tuition, at the 7 institutions of the department.

188-F:17 Loan Fund Revolving Accounts. The [administrative board] *commissioner* is authorized, within the limits of federal grants and the appropriations made, to establish and administer such loan fund revolving accounts as may be approved by the governor and council to completely comply with all federal regulations and to effectively and efficiently operate the loan programs within the technical institute and technical colleges. The board shall adopt rules, pursuant to RSA 541-A, for the giving of loans to students and other requirements relative to the loans. Each loan fund revolving account authorized and the specific funds associated with it shall be kept in a separate special account by the state treasurer, and any repayment of loans made from one of these separate special accounts shall be credited to that separate special account for continued use as a loan fund.

27 Director of Police Standards and Training; Membership of Administrative Board Deleted. Amend RSA 188-F:26, XIV to read as follows:

XIV. The department shall employ a director of police standards and training and such other personnel as may be necessary to perform the duties assigned by the department. The director shall be nominated by the council and appointed by the commissioner for a term of 4 years and shall be an unclassified employee whose salary shall be established by RSA 94:1-a. All other employees shall be classified employees. The director shall have practical and academic knowledge in the field of law enforcement, including substantial administrative experience and a degree or degrees in criminology, police administration, or other similar field or any equivalent combination of education and experience[, and shall be a member of the administrative board established by RSA 188-F:7].

28 Name Change. Amend RSA 188-F:33 to read as follows:

188-F:33 Institute Security Force. The president of the New Hampshire *regional community-technical* institute is authorized to organize a security force for the purpose of patrolling the institute's buildings, roads, and grounds and providing for general security at the institute. The campus security force shall be under the immediate control of the president of the institute or designee.

29 Changing Name of Postsecondary Technical Education to Regional Community-Technical Colleges. Amend the following RSA provisions by replacing "postsecondary technical education" and "postsecondary technical institutions" with "regional community-technical colleges": RSA 4:8-a, I; 126-A:10-d, II(k); 188-B:2; 188-D:2, I; 188-D:2, III and IV; the chapter heading of 188-F; 188-F:5, I; 188-F:14-a, I and II; introductory paragraph of 188-F:14-b; 188-F:18; 188-F:19, II; 188-F:20; 188-F:23, III; 188-F:24, I and II; 188-F:24, VII; 188-F:25; 188-F:32; 188-F:42, I(c)(4); 188-F:42, I(c)(6); 188-F:44-46; introductory paragraph of 188-F:47; 188-F:52, I; introductory paragraph of 188-F:52, II; 188-F:52, II(b)(1); 188-F:52, II(b)(4) and (5); 188-F:52, IV; 188-F:55, I and II; and 622:28-b, II(a)(6).

30 Changing Name of "Technical Institute" and "Technical Institutes" to "Regional Community-Technical Institute." Amend the following RSA provisions by replacing "technical institute" with "regional community-technical institute: the subdivision heading preceding RSA 188-F:33; 188-F:34; and 188-F:35, I.

31 Contingency.

I. If HB 185 becomes law, sections 4, 13-16, 18, and 19 of this act shall not take effect. If HB 185 does not become law, section 4, 13-16, 18 and 19 of this act shall take effect 60 days after its passage.

II. If HB 185 become law, sections 26-30 of this act shall take effect 60 days after its passage and sections 11, 17, 20, 21, and 23 of this act shall not take effect. If HB 185 does not become law, sections 11, 17, 20, 21, and 23 of this act shall take effect 60 days after its passage and sections 26-30 of this act shall not take effect.

32 Effective Date.

I. Sections 4, 13-16, 18 and 19 of this act shall take effect as provided in paragraph I, section 31 of this act.

II. Section 11, 17, 20, 21, 23, and 26-30 of this act shall take effect as provided in paragraph II of section 31 of this act.

III. The remainder of this act shall take effect 60 days after its passage.

Adopted.

**HB 179-FN-A**, establishing the department of youth development services, abolishing the bureau of residential services, and relative to the reconstruction of a certain railroad overpass and making an appropriation therefor.

#### **Amendment (2677L)**

Amend section 2 of the bill by replacing line 2 with the following:

VI. Notwithstanding RSA 169-B:19, I(j), a minor committed to the youth

Amend section 8 of the bill by replacing line 1 with the following:

8 New Paragraph; Definition Added. Amend RSA 170-H:2 by inserting

Amend RSA 186-C:19-b, I(a) as inserted by section 10 of the bill by replacing lines 5-7 with the following:

169-B, 169-C or 169-D, except children at the youth development center and children placed at the youth services center maintained by the [division for children, youth, and families] *department of youth development services* while awaiting disposition of the court

Adopted.

**HB 230**, relative to the physical therapy practice act.

#### **Amendment (2646L)**

Amend RSA 328-A:12, II and III as inserted by section 1 of the bill by replacing them with the following:

II. The physical therapist passes the examination for licensure approved by the Federation of State Boards of Physical Therapy.

III. The physical therapist passes the English equivalency tests for therapists whose primary language is not English.

Adopted.

**HB 232**, changing the date of final written notification for teachers who are not being renominated or elected from March 31 to April 15.

#### **Amendment (2602L)**

Amend section 5 of the bill by replacing line 5 with the following:  
[chairmen] *chairpersons* of the several boards, and shall organize by choosing a

Adopted.

**HB 379**, relative to zoning height limitations on amateur radio towers.

#### **Amendment (2625L)**

Amend the bill by deleting sections 1, 2, and 5-7 and renumbering the original sections 3-4 and 8 to read as 1-3, respectively.

Adopted.

**HB 516-FN-A-L**, requiring the port authority to establish a uniform system for marking the ports, harbors and navigable tidal rivers.

#### **Amendment (2695L)**

Amend RSA 271-A:3, VI as inserted by section 2 of the bill by replacing lines 6-7 with the following:  
incremental basis and shall be completed no later than 4 years after the effective date of this paragraph.

Adopted.

**SB 53**, establishing a committee to study issues relative to real estate appraisers. (Amendment printed SJ 22, 5/23/95)

Adopted.

**SB 56-FN**, allowing lenders to provide copies of loan documents marked "paid in full" or "cancelled" upon full repayment of closed-end loans. (Amendment printed SJ 22, 5/23/95)

Adopted.

**SB 160**, relative to the employee assistance program at the department of health and human services. (Amendment printed SJ 22, 5/23/95)

Adopted.

### **ENROLLED BILLS REPORTS**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 115, 119, 298, 313, 326, 373, 412, 509, 511, 584, 592 and 646 and Senate Bills numbered 2, 5, 8, 13, 17, 54, 104 and 172.

Rep. Buckley for the Committee

Rep. Buckley requested a quorum count. The Speaker declared a quorum present.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

**SB 164-FN**, relative to the procedures of the central registry under the division for children, youth, and families. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard E. Dolan for Corrections and Criminal Justice: The committee feels that the criminal penalty should be changed to a misdemeanor to agree with the balance of statutes that address improper disclosure. Vote 15-0.

#### Amendment (2647L)

Amend RSA 169-C:35, IV(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Any officer or employee of the state police, division of public health services, or department of education who knowingly and willfully provides information from such agency's files regarding an individual listed in the central registry to any person not authorized to receive such information shall be guilty of a misdemeanor. This penalty shall not relieve any person from civil liability for any injury caused by disclosure to an unauthorized person under this section.

## REGULAR CALENDAR

**SB 52**, relative to condominium associations. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: RE-REFER TO COMMITTEE.**

Rep. Beverly A. Gage for the Majority of Commerce, Small Business, Consumer Affairs and Economic Development: In 1991 an amendment to statute, combined with the recession and major bank failures brought real estate development in New Hampshire to a nearly permanent standstill. As a result, conversion deadlines came and went for many projects. Due to the suspension of some projects, failure of some developers, and bank receiverships, there was no developer or lender to ask the homeowners for an additional extension. Now that the economy is moving again developers would like to complete projects, however, the conversion time frame has expired. As a result, homeowners are left bearing the burden of operating the condominium without the additional contribution of new unit owners. The municipalities are left with undeveloped property which has a negative impact on the taxable value of the real estate. We believe this amendment does pass constitutional muster. The prohibition against retrospective law does not apply to laws that are procedural in nature. The amendment to SB 52 is a procedural change. This amendment is fundamentally fair since it permits a super majority of the homeowners to make the decision to extend the conversion period. Vote 16-2.

Rep. Elizabeth L. Crory for the Minority of Commerce, Small Business, Consumer Affairs and Economic Development: This bill as amended leaves two serious constitutional questions un-answered. Condominium contracts entered into in the past will be changed. The retroactive nature of this change in contract rights could result in a constitutional challenge. The amendment also gives different consideration to condominium associations acquired under F.D.I.C. foreclosure. This is clearly unequal treatment under the law. The concerns raised by one developer who acquired condominium property at bargain rates from the F.D.I.C., and who is unable to get the required association members approval to expand, was given greater consideration by the majority of the committee than the rights of present members of the association.

#### Amendment (2537L)

Amend the bill by replacing all after the enacting clause with the following:

1 Vote Changed. Amend the introductory paragraph of RSA 356-B:54, V(a) to read as follows:

V.(a) Any extension of a time limit set forth in a declaration and relating to RSA 356-B:16, III(c), RSA 356-B:16, IV(c) or RSA 356-B:23, III shall be effective upon the recordation of an amendment reflecting the agreement of owners of substantially completed units to which 2/3 of the votes in the unit owners' association appertain, or such larger majority as the condominium instruments may specify[, provided, however, that] **and** if the existing rights to expand or con-



tract the condominium or to exercise convertible land rights have expired, such an amendment shall *also* require [the unanimous] *a 4/5* vote of all unit owners of substantially completed units who are present or voting by proxy at a duly called and noticed meeting of the unit owners' association. The amendment shall be deemed a material change requiring submission to the agency of both a copy of the amendment and a certification to include the following information:

2 Applicability. The provisions of RSA 356-B:54, V(a) as amended by section 1 of this act shall apply only to those extensions of time limits enumerated in section 1 of this act set forth in a declaration on or after the effective date of this act.

3 Purpose. The general court finds that the process for extension of deadlines for conversion of convertible land set forth in RSA 356-B has placed an onerous burden on condominium associations, developers, and municipalities in those instances where construction of condominium projects was suspended during the control of those projects by the Federal Deposit Insurance Corporation or the Resolution Trust corporation, either in their own capacities, or in their capacities as receivers for failed banking or lending institutions during the recent economic recession. The general court further finds that in those instances of projects controlled by the Federal Deposit Insurance Corporation or the Resolution Trust Corporation, deadlines for conversion lapsed, resulting in the abandonment of condominium projects, which subsequently forced condominium unit owners to bear a disproportionate share of the cost of condominium operations. The general court recognizes that completion of these condominium projects will promote the general welfare by providing employment and housing to the citizens of New Hampshire, and providing additional tax revenues to the municipalities in which those projects are located.

4 New Paragraph; Extension of Time Limits. Amend RSA 356-B:54 by inserting after paragraph V the following new paragraph:

VI.(a) Notwithstanding the provisions of RSA 356-B:23, III, or RSA 356-B:54, V(a), the extension of a time limit set forth in a declaration relating to RSA 356-B:23, III may be extended to a date not more than 5 years after the relinquishment of interest in a convertible condominium by the Federal Deposit Insurance Corporation or the Resolution Trust Corporation, their respective affiliates or subsidiaries, whether in their own capacity or in their capacity as receivers for any banking or lending institution, provided that the unit owners association shall first consent to such an extension by the recordation of an amendment reflecting the agreement of owners of declared units to which 3/4 of the votes in the unit owners' association appertain, or such larger majority as the condominium instruments may specify, regardless of whether the existing rights to exercise convertible land rights have expired. The amendment shall be deemed a material change requiring submission to the agency of both a copy of the amendment and a certification, which shall include the information set forth in RSA 356-B:54, V(a), (1) through (5). The certification shall also comply with the requirements of RSA 356-B:54, V(b). Any units created within the extension of time approved under this paragraph shall be substantially similar to the existing declared units.

(b) For the purposes of this paragraph, the term "relinquishment of control" means the sale, assignment, transfer or other conveyance of any legal or equitable interest in convertible land or declarants' rights, whether as owner or lender, by the Federal Deposit Insurance Corporation, the Resolution Trust Corporation, or their affiliates, or acting subsidiaries in their own capacity or in their respective capacities as receivers of banks, lending institutions or affiliates or subsidiaries or such banks or lending institutions, to a person not related to the Federal Deposit Insurance Corporation or the Resolution Trust Corporation, or their respective affiliates or subsidiaries.

5 Repeal. RSA 356-B:54, VI, relative to extension of time limits, is repealed.

6 Effective Date.

I. Section 5 of this act shall take effect January 1, 1999.

II. the remainder of this act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill clarifies the extension of time limits for conversion of convertible lands by condominium associations.

Adopted.

Reps. Newland and Crory spoke against and yielded to questions.

Reps. Gage and Bonnie Packard spoke in favor.

Rep. Crosby spoke against.

Rep. Hunt spoke in favor and yielded to questions.

Rep. Ann Torr requested a roll call; sufficiently seconded. The question being the adoption of the Majority report.

## YEAS 251 - NAYS 102

### YEAS 251

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Cain, Thomas	Golden, Paul
Holbrook, Robert	Hurt, George	Laflam, Robert	Lawton, David
Lawton, Robert	Rosen, Ralph	Smith, Linda	Thomas, John
Turner, Robert	Wendelboe, Francine	Ziegler, Alice	

#### CARROLL

Beach, Mildred	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	

#### CHESHIRE

Burnham, Daniel	Cole, Stacey	Delano, Robert	Feuer, Joseph
Hunt, John	Laurent, John	McNamara, Wanda	Metzger, Katherine
Royce, H. Charles	Smith, Edwin	Steere, Myron, III	Wollner, Robert

#### COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Guay, Lawrence
Horton, Lynn	Merrill, Gerald	Pratt, Leighton	St. Hilaire, Paul

#### GRAFTON

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Connolly, Steven	Eaton, Stephanie	Guaraldi, Lawrence	Hill, Richard
Larson, Nils, Jr.	MacNeil, Allen	Scanlan, David	Teschner, Douglass
Tucker, John	Williams, William, Jr.		

#### HILLSBOROUGH

Aksten, Cheryl	Alukonis, David	Amidon, Eleanor	Andrews, Frederick
Arnold, Thomas, Jr.	Baroody, Benjamin	Barry, Janet	Belvin, William
Boutin, David	Brundige, Robert	Buckley, Raymond	Calawa, Leon, Jr.
Cepaitis, Elizabeth	Chabot, Robert	Champagne, Norma	Cote, Peter
Daniels, Gary	Desrosiers, William	Dodge, Emma	Dokmo, Cynthia
Durham, Susan	Dwyer, Paul, Sr.	Dyer, Merton	Emerton, Lawrence, Sr.
Feng, David	Fenton, James	Ferguson, Charles	Fields, Dennis
Foster, Linda	Francoeur, Gary	Franks, Suzan	Gagnon, Eugene
Gotham, Rita	Goulet, Maurice	Haettenschwiller, Alphonse	Hart, Nick
Herman, Keith	Holden, Carol	Holley, Sylvia	Holt, David
Jean, Loren	Johnson, Lionel	Kelley, Robert	Kirby, Thomas
Krochmal, Mark	Kurk, Neal	LaRose, Richard	Legacy, Earl
Letendre, Evelyn	Lozeau, DonnaLee	Luebker, Bernard	MacGillivray, Jeffrey
MacIntyre, Doris	McCarty, Winston	McMahon, Donald	McRae, Karen
Mercer, Robert	Messier, Irene	Milligan, Robert	Mittelman, David
Moncrief, Keith	Morello, Michael	O'Hearn, Jane	Packard, Bonnie
Pappas, Marc	Pepino, Leo	Perkins, Paul	Peters, Stanley
Reidy, Frank	Riley, Frances	Sallada, Roland	Sargent, Maxwell
Searles, Stanley, Sr.	Soucy, Richard	Streeter, Janice	Sullens, Joan
Thulander, O. Alan	Turgeon, Roland	Wells, Peter, Sr.	Wheeler, Robert
White, Donald	Worthen, Dorothy	Wright, George	

**MERRIMACK**

Barberia, Richard	Buessing, Marjorie	Chandler, Earle	Chandler, John
Crowell, Peter	Feuerstein, Martin	Hess, David	Holmes, Mary
Kennedy, Richard	Lamach, Bernard	Little, Michael	Lockwood, Robert
MacKay, James	Morrill, Olive	Nichols, Avis	Patenaude, Amy
Pitman, Mary Ellen	Shaw, Randall	Trombly, Rick	Warner, Richard
Weeks, John, Jr.	Whalley, Michael	Whittemore, James	Willis, Jack

**ROCKINGHAM**

Arndt, Janet	Attar, Kevin	Battles, Marjorie	Beaulieu, Jon
Belanger, Ronald	Camm, Kevin	Case, Margaret	Christie, Andrew, Jr.
Clark, Martha	Clark, Vivian	Conroy, Janet	Cornell, A. Jefferson
Cote, Patricia	Crossman, Harold, Jr.	Dodge, Robert	Dolan, Richard
Dowd, Sandra	Dowling, Patricia	Dunham, Vivian	Felch, Charles, Sr.
Fesh, Robert	Flanagan, Natalie	Flanders, David	Flanders, John, Sr.
Gage, Beverly	Gargiulo, Louis	Gleason, John	Goddard, Warren
Gorman, Donald	Hawkins, Robert	Henderson, Warren	Hutchinson, Karen
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.
Kruse, Fred	Langley, Jane	Lee, Rebecca	Magoon, Harold
Malcolm, Ken	McKinney, Betsy	Moore, Benjamin	Morris, Debbie
Noyes, Richard	Packard, Sherman	Pratt, Katharin	Putnam, Ed, II
Raynowska, Bernard	Ross, James	Rubin, George	Scanlon, Edward
Senter, Marilyn	Smith, Arthur	Stone, Joseph	Stritch, C. Donald
Syracusa, Anthony	Sytek, Donna	Weare, Everett	Welch, David
Weyler, Kenneth	Yennaco, Carol		

**STRAFFORD**

Berube, Roger	Brown, Julie	Dunlap, Patricia	Hanlon, Mark
Hilliard, Dana	Knowles, William	McKinley, Robert	Merritt, Deborah
Reynolds, Charles	Snyder, Clair	Spear, Barbara	Steadman, Frederick
Torr, Ann	Torr, Franklin	Vincent, Francis	

**SULLIVAN**

Adler, Rudolf	Behrens, Thomas	Krueger, Richard	Lindblade, Eric
Peyron, Fredrik	Schotanus, Merle	Scott, Robert	

**NAYS 102****BELKNAP**

Johnson, James	Rice, Thomas, Jr.
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**CARROLL**

Babson, David, Jr.

**CHESHIRE**

Champagne, Richard	DePecol, Benjamin	Doucette, Richard	Kingsbury, H. Thayer
Lynch, Margaret	McGuirk, Paul	Pratt, Irene	Richardson, Barbara
Riley, William	Robertson, Timothy	Russell, Ronald	

**COOS**

Davis, Perley	Hawkinson, Marie	Mears, Edgar
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**GRAFTON**

Below, Clifton	Cobbin, Philip	Copenhaver, Marion	Crory, Elizabeth
Guest, Robert	Ham, Bonnie	Lovett, Sidney	Mirski, Paul
Nordgren, Sharon	Phinney, William		

**HILLSBOROUGH**

Allen, W. Gordon	Bergeron, Normand	Clemons, Jane	Cote, David
Desmarais, Vivian	Drabinowicz, A. Theresa	Dykstra, Leona	Hallyburton, Margaret

Hansen, Herbert  
Kane, Laura  
Marcinkowski, Michael  
Philbrook, Paula  
White, John

Hunter, Bruce  
L'Heureux, Robert  
Martin, Mary  
Taylor, Paul

Hussey, Mary  
Laughlin, J. Francis  
McCarthy, William  
Toomey, Kathryn

Jean, Claudette  
Lefebvre, Roland  
Melcher, Harold  
Wheeler, Craig

### MERRIMACK

Coughlin, Anne  
Fraser, Marilyn  
Newland, Matthew  
Yeaton, Charles

Crosby, Toni  
Jacobson, Alf  
Owen, Derek

Daneault, Gabriel  
Langer, Ray  
Rogers, Katherine

Dunn, Miriam  
Moore, Carol  
Wallner, Mary Jane

### ROCKINGHAM

Abbott, Dennis  
Dube, LeRoy  
Kobel, Rudolph  
Nowe, Ronald  
Sytek, John

Bishop, Franklin  
Hurst, Sharleene  
Lovejoy, Marian  
Pantelakos, Laura

Carson, Gregory  
Kane, Cecelia  
McCarthy, John, Jr.  
Sabella, Norma

Coes, Betsy  
Kelley, Jane  
McGovern, Cynthia  
Splaine, James

### STRAFFORD

Brown, George  
Hambrick, Patricia  
McCann, William, Jr.  
Wheeler, Katherine

Callaghan, Frank  
Hemon, Roland  
Pelletier, Arthur  
Williams, Howard

Chagnon, Ronald  
Keans, Sandra  
Sullivan, Henry

Grassie, Anne  
Loder, Suzanne  
Wasson, Richard

### SULLIVAN

Allison, David  
Stettenheim, Sandy

Cloutier, John  
Whipple, Allen

Flint, Gordon

Palmer, Lorraine

and the report was adopted.

Ordered to third reading.

Rep. Wall did not vote and intended to vote yea.

Reps. DeStefano, Gibson, Lundborn and Charles Chandler declared conflicts of interest and did not participate.

**SB 75**, responding to the passage of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric N. Lindblade for Commerce, Small Business, Consumer Affairs and Economic Development: The Congress of the United States passed in 1994, an act known as the Riegle-Neal Act, providing for increased opportunities for banks to expand across state lines. This includes mergers, outright purchase, and establishing branches. SB 75 is a response to the Riegle-Neal Act. It provides for the repeal of existing provisions of state law, relative to bank acquisitions by out of state institutions, which are in conflict with the provisions of the Riegle-Neal Act. The main thrust of the bill is to provide for an orderly transition for New Hampshire banks into Interstate Branching and acquisitions of out of state banks. An amendment to the bill gives the bank commissioner the authority to examine the bank holding companies, foreign and domestic, operating in New Hampshire and also adds back several sections of the old Interstate banking law. The amendment also addresses the 20% state cap to reflect the new federal law. Vote 12-0.

### Amendment (2696L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

responding to the passage of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 and relative to the authority of the banking commissioner to supervise and examine bank holding companies.

Amend RSA 384:58, II as inserted by section I of the bill by replacing it with the following:

II. Except as otherwise provided in this paragraph, an out-of-state bank holding company may directly or indirectly acquire a New Hampshire bank which has been in existence for at

least 5 years. For purposes of this section, an out-of-state bank holding company may organize, and be the sole incorporator of, a New Hampshire bank which is chartered under applicable New Hampshire law solely for the purpose of acquiring control of, or acquiring all or substantially all of the assets and liabilities of, an existing New Hampshire bank, provided that such newly chartered bank does not open for business prior to the consummation of the acquisition. Such newly chartered bank shall be deemed to have been in existence for the same period of time as the bank to be acquired. No acquisition shall be permitted which will result in a violation of the 20 percent deposit limitation contained in RSA 384-B:3(2), except as otherwise permitted under RSA 384-B:3 and RSA 384-B:8.

Amend RSA 384:59, I as inserted by section 1 of the bill by replacing it with the following:

I. Unless otherwise provided in this paragraph, a New Hampshire bank may merge with any out-of-state bank in accordance with applicable laws and regulations of New Hampshire and any other state. If the resulting bank is an out-of-state bank, the New Hampshire bank shall be required to be in existence for at least 5 years in order to be eligible to merge. No merger shall be permitted which will result in a violation of the 20 percent deposit limitation contained in RSA 384-B:2, I and II or RSA 384-B:3(2), except as otherwise permitted under RSA 384-B:3 and RSA 384-B:8.

Amend section 1 of the bill by inserting after RSA 384:60 the following new sections:

384:61 Penalties. Whoever fails to comply with the provisions of this subdivision shall forfeit to the state up to \$5,000 a day for every day or part of a day during which such violation continues. Any such violation shall be forthwith reported by the commissioner to the attorney general, and the forfeiture may be recovered by an information or other appropriate proceeding brought in the superior court in the name of the commissioner. The attorney general, in the name of the commissioner, may also seek to enjoin the continuation of any violation.

384:62 Insurance Not Affected. This subdivision shall not be interpreted to limit or to enlarge the power of any state-chartered or federally-chartered financial institution to engage in the business of insurance or in any activity requiring licensing under RSA 401 or RSA 405.

384:63 Monopolies Prohibited. Nothing in this subdivision or in RSA 384-B:3 shall create or enlarge any exemption for the activities of or arrangements between any persons, banks, associations, bank holding companies, or association holding companies, except as provided by RSA 356:8-a.

Amend the bill by inserting after section 2 the following and renumbering the original sections 3 and 4 to read as 6 and 7, respectively:

3 New Section; Bank Holding Companies. Amend RSA 383 by inserting after section 9-f the following new section:

383:9-g Bank Holding Companies. The bank commissioner shall also have general supervision of any New Hampshire bank holding company, as defined by RSA 384:44, VIII, and of any out-of-state bank holding company, as defined by RSA 384:44, X, doing business in New Hampshire. The commissioner may require any bank holding company to furnish whichever reports the commissioner deems appropriate to the proper supervision of such bank holding company. Unless the commissioner determines otherwise, reports prepared for federal authorities may be submitted by such bank holding company in satisfaction of the requirements of this section. If such information and reports are inadequate in the commissioner's judgment for that purpose, the commissioner may examine such bank holding company and any of its subsidiaries doing business in New Hampshire. The proper charges which are incurred by reason of any such examination, including, but not limited to, examiner salaries and the benefits portion of such salaries, transportation, meals, lodging and other associated costs, shall be paid by the bank holding company examined.

4 Deposit Limitation; Waiver. Amend RSA 384-B:3 to read as follows:

384-B:3 Bank Holding Company Affiliates. No bank holding company shall directly or indirectly acquire ownership or control of any voting stock of any bank or national bank, if upon such acquisition (1) the bank holding company would have more than 12 affiliates in this state; or (2) the dollar volume of the total deposits, time, savings, and demand in this state of the bank holding company and all its affiliates would exceed 20 percent of the dollar volume of total deposits, time, savings, and demand in this state of all banks, national banks, and federal savings and loan associations in this state as determined by the board on the basis of the most re-

cent reports made by such institutions to their supervisory authorities and available at the time of acquisition. *If the bank commissioner and the attorney general both determine that it is in the best interests of the state, the 20 percent limitation on the dollar volume of total deposits in (2) may be waived. Under no circumstances shall the dollar volume of total deposits exceed 30 percent.*

5 Applicability. Any affiliations which were made under RSA 384:44-55, prior to September 29, 1995, shall be subject to the provisions of RSA 384:52-54 as they were in effect immediately prior to September 29, 1995.

### AMENDED ANALYSIS

The purpose of this bill is to implement the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 which was recently enacted by Congress.

The bill authorizes New Hampshire and out-of-state bank holding companies to engage in interstate acquisitions of banks commencing September 29, 1995 in a manner consistent with the Riegle-Neal Act. The bill repeals existing provisions of state law relative to bank acquisitions by out-of-state institutions.

The bill also authorizes New Hampshire and out-of-state banks to engage in interstate mergers commencing June 1, 1997. In addition, the bill authorizes New Hampshire banks to establish or acquire out-of-state branches commencing June 1, 1997.

This bill also grants the bank commissioner greater authority to supervise and examine New Hampshire bank holding companies and the authority to supervise and examine out-of-state bank holding companies doing business in New Hampshire.

Adopted.

Report adopted and ordered to third reading.

**SB 9-FN-L**, relative to charter schools and open enrollment. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: RE-REFER TO COMMITTEE.

Rep. William S. Belvin for the Majority of Education: SB 9-FN-L as amended, is enabling legislation which if approved by a school district or city, allows for the formation of a new form of innovative public schools called "Charter Schools". They seek to serve specific groups of pupils in accordance with their "Charter" or curriculum emphasis. Charter schools are publicly funded and are required to take special education pupils who are eligible and otherwise qualify. The Education Committee substantially amended the bill to align it with the realities of New Hampshire's locally funded and controlled public schools. Charter schools are public schools, subject to local control, and with employees having the rights and obligations of public employees. The approval process was clarified with the local district requiring an initial local vote to encourage their formation, then a final deciding vote after local school board recommendation and state board decision if a charter is granted. Local school board ongoing participation was strengthened through regular achievement, operating, and financial reporting requirements. State law will apply to attendance, transportation within district (outside the district is the charter school's responsibility) and expelled pupils. The bill authorizes a five-year pilot program. An oversight committee of three senators and three representatives must report yearly on the progress of charter schools and propose legislation that will improve the charter process and additional recommendations that will apply to improving all New Hampshire public schools. Even though there are some unknowns associated with charter schools it is the majority committee opinion that it is time to get on with proving or disproving the charter concept in New Hampshire. Vote 15-5.

Reps. Karen K. Hutchinson, John M. White, Robert H. Guest, Charles B. Yeaton, Clair A. Snyder for the Minority of Education: The Minority of the committee believes, given the importance and complexity of this legislation, that additional time is needed to answer remaining questions and concerns.

### Amendment (2641L)

Amend the bill by replacing all after the enacting clause with the following:

1 Pooled Risk Management Programs; Charter School Added to Definition of "Political Subdivision." Amend RSA 5-B:2, III to read as follows:

III. "Political subdivision" means any city, town, county, school district, *charter school*, village district, school administrative [district] *unit*, or any district or entity created for a special purpose administered or funded by any of the above-named governmental units.

2 References to Charter School and Trustees Added. Amend RSA 31:105 to read as follows:  
 31:105 Indemnification for Damages. A city, town, county, village district or precinct, school district, *charter school*, [supervisory union] *school administrative unit*, or any other municipal corporation or political subdivision may by a vote of the governing body indemnify and save harmless for loss or damage occurring after said vote any person employed by it and any member or officer of its governing board, administrative staff or agencies including but not limited to selectmen, school board members, *charter school trustees*, city councilors and aldermen, town and city managers, regional planning commissioners, and superintendents of schools from personal financial loss and expense including reasonable legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of negligence or other act resulting in accidental injury to a person or accidental damage to or destruction of property if the indemnified person at the time of the accident resulting in the injury, damage or destruction was acting in the scope of [his] employment or office.

3 References to Charter School and Trustees Added. Amend RSA 31:106 to read as follows:  
 31:106 Indemnification; Civil Rights Suits. All cities, towns, counties, village districts and precincts, school districts, *charter schools*, [supervisory unions] *school administrative units* and other municipal corporations and political subdivisions shall indemnify and save harmless any person employed by it and any member or officer of its governing board, administrative staff or agencies including but not limited to selectmen, school board members, *charter school trustees*, city councilors and aldermen, town and city managers, regional planning commissioners, and superintendents of schools from personal financial loss and expense including reasonable legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of any act or omission constituting a violation of the civil rights of an employee, teacher or student or any other person under any federal law if such act or omission was not committed with malice, and if the indemnified person at the time of such act or omission was acting within the scope of [his] employment or office.

4 Charter School Added to Provision Relative to Right-to-Know Law; Public Proceedings. Amend RSA 91-A:1-a, IV to read as follows:

IV. Any board, commission, agency or authority, of any county, town, municipal corporation, school district, *school administrative unit*, *charter school*, or other political subdivision, or any committee, subcommittee or subordinate body thereof, or advisory committee thereto.

5 Criminal History Checks; Charter Schools Added. Amend RSA 189:13-a, VII to read as follows:

VII. A criminal history records check of any non-certified applicant for employment with a *charter school*, school administrative unit, or school district may be required. If required, any applicant selected for employment shall submit a notarized criminal history records release form to the employer, and such criminal history records check shall be conducted pursuant to the procedures set out in paragraph IV. This section applies to applicants for employment with private businesses, and agencies which contract with *charter schools*, school administrative units, or school districts to provide services, including but not limited to cafeteria workers, school bus drivers, and custodial personnel. The costs of record checks shall be borne by the employing *charter school*, school administrative unit, or school district or the contractor, at the employing *charter school*, school administrative unit, or school district's option.

6 New Chapter; Charter Schools and Open Enrollment Schools. Amend RSA by inserting after chapter 194-A the following new chapter:

#### CHAPTER 194-B CHARTER SCHOOLS AND OPEN ENROLLMENT ACT

194-B:1 Definitions. In this chapter:

I. "Average cost per pupil" means the total of education expenditures in a particular district and at the elementary, middle/junior and high school levels, less tuition, transportation, capital outlays, and net debt service, as compiled by the department of education. Kindergarten cost shall be calculated at 1/2 the cost of elementary school.

II. "Board of trustees" means the governing body of a charter school authorized by the state board of education to supervise and control the charter school.

III. "Charter school" means an open enrollment public school, operated independent of any school board and managed by a board of trustees. A charter school shall operate as a nonprofit secular organization under a charter granted by the state board and in conformance with this chapter.

IV. "Charter conversion school" means a public school which has been authorized to become a charter school. That school continues to be managed by the school board until and unless fully authorized to become a charter school in accordance with the provisions of RSA 194-B:3.

V. "Host school district" means the school district in which the charter school is physically located.

VI. "Open enrollment public school" or "open enrollment school" means any public school which, in addition to providing educational services to pupils residing within its attendance area or district, chooses to accept pupils from other attendance areas within its district and from outside its district.

VII. "Parent" means a parent, guardian, or other person or entity having legal custody of a child.

VIII. "Pupil" means any child who is eligible for attendance in public schools in New Hampshire, and who lives with a parent.

IX. "Receiving district" means the school district to which a pupil is sent to attend a charter or open enrollment school.

X. "Resident district" means the school district in which the pupil resides.

XI. "School board" means the district school board.

XII. "Sending district" means the school district in which the pupil resides.

XIII. "State board" means the state board of education.

XIV. "Teacher" means any individual providing or capable of providing direct instructional services to pupils.

194-B:2 Open Enrollment and Charter Schools; Establishment; Parental Choice; Admission.

I. Any school district legislative body may vote to designate one or more of its schools as an open enrollment school.

II. Open enrollment schools which are not charter schools shall operate under the same laws, rules, and policies as any other public school, except as provided in this chapter.

III. No public school, except a charter school, shall be required to be an open enrollment school.

IV. A school district may predetermine the number of pupils residing outside an open enrollment school's district or attendance area it deems appropriate to accept.

V. Applications may be made on behalf of eligible pupils to more than one charter or open enrollment school within the state.

VI. Every open enrollment or charter school shall make available information about its curriculum and policies to all persons, and parents and pupils considering enrollment in that school.

VII. There shall be no application fee for pupil admission to any charter school or open enrollment school.

VIII. A pupil who meets the admission requirements of an open enrollment or charter school, and who is a resident of the district where the school is located, shall be given absolute admission preference over a nonresident pupil. Once admitted and unless expelled, open enrollment and charter school pupils need not reapply for admission for subsequent years.

IX. Attendance at a charter school for the purposes of transportation shall not constitute assignment under the provisions of RSA 189:6 and RSA 189:8. Pupils who reside in the school district in which the open enrollment or charter school is located shall be provided transportation to that school by the district on the same terms and conditions as provided for in RSA 189:6 and RSA 189:8 and that transportation is provided to pupils attending other public schools within that district. However, any added costs for such transportation services shall be borne by the charter school. For the purposes of open enrollment, neither the sending nor the receiving school district shall be obligated to provide transportation services for pupils attending an open enrollment school outside the pupil's resident district.

194-B:3 Charter Schools; Establishment; Amendment; Procedure.

I.(a) Except as expressly provided in this chapter, including but not limited to RSA 194-B:8, charter schools shall be fully exempt from state laws and rules which otherwise apply to public or nonpublic schools, or local school boards or districts. Notwithstanding the foregoing, charter schools shall have all the rights and privileges of other public schools.

(b) A charter school's board of trustees shall have full authority to determine the charter school's organization, methods, and goals.



II. Except as expressly provided in this chapter, the duty and role of the local school board relative to the establishment of a charter school shall be in good faith to approve or disapprove the proposed charter school contract based upon whether or not the proposed contract contains and appropriately addresses these required elements:

- (a) Educational mission.
- (b) Governance and organizational structure and plan.
- (c) Methods by which trustees and their terms are determined.
- (d) Description and location of facilities to be used.
- (e) Maximum number, grade or age levels, and, as applicable, other information about pupils to be served.
- (f) Curriculum.
- (g) Academic and other learning goals and objectives.
- (h) Achievement tests to be used to measure pupil academic and other goal achievement including, but not limited to, objective and age-appropriate measures of literacy and numeracy skills, including spelling, reading, expository writing, history, geography, science, and mathematics.
- (i) For schools offering high school grade levels, graduation requirements sufficient to ensure that the school has provided an adequate education for its pupils.
- (j) Staffing overview, including qualifications sought for professionals and paraprofessionals.
- (k) Personnel compensation plan, including provisions for leaves and other benefits, if any.
- (l) Pupil transportation plan, including reasonable provision from the charter school's own resources for transportation of pupils residing outside that school's district.
- (m) Statement of assurances related to nondiscrimination according to relevant state and federal laws.
- (n) Method of coordinating with a pupil's local education agency (LEA) responsible for matters pertaining to any required special education programs or services including method of compliance with all federal and state laws pertaining to educationally disabled pupils.
- (o) Admission procedures.
- (p) Philosophy of pupil governance and discipline, and age-appropriate due process procedures to be used for disciplinary matters including suspension and expulsion.
- (q) Method of administering fiscal accounts, fiscal audits and reporting, and program audits.
- (r) Annual budget, including all sources of funding.
- (s) School calendar arrangement and the number and duration of days pupils are to be served pursuant to RSA 194-B:8, III.
- (t) Provision for providing continuing evidence of adequate insurance coverage.
- (u) Identity of consultants to be used for various services, if known.
- (v) Philosophy of parent involvement and related plans and procedures.
- (w) A plan to develop and disseminate information to assist parents and pupils with decision-making about their choice of school.
- (x) A global hold-harmless clause protecting the local school board, school district, and all funding districts and sources, and their successors and assigns from liability for any action or inaction of the charter school, its successors or assigns, or its board of trustees, employees, contractors, agents, or pupils.
- (y) Severability provisions and statement of assurance that any provision of the charter school contract found by competent authority to be contrary to applicable law, rule, or regulation shall not be enforceable.
- (z) Provision for dissolution of the charter school including disposition of its assets or amendment of its program plan.
- (aa) In the case of the conversion of a public school to a charter conversion school, provision for alternative arrangements for pupils who choose not to attend and teachers who choose not to teach at the charter school.
- (bb) A plan for the education of the school's pupils after the charter school may cease operation.

III.(a) Applications for approval of a charter school shall not be submitted to the school board until the provisions of RSA 194-B:4, I (d) (1) have been adopted by the school district legislative body.

(b) Applications to establish a charter school shall take the form of a proposed contract and shall be presented by April 1 of the year preceding intended operation of the charter school by its prospective board of trustees to the school board of the district in which the charter school intends to be located.

(c) By July 1 of the given year, the school board shall have completed its review of the proposed contract and shall have granted or denied its approval. In its review the school board shall grant or deny the proposed contract, using as its criteria whether or not the proposed contract contains and addresses the elements required under 194-B:3, II. The school board reserves the right to suggest amendments or additions to the proposed contract as it deems necessary to assure its completeness and compliance with this chapter. The school board shall forward the proposed contract, along with its approval or denial and a written statement specifying any areas deemed deficient, to the state board and to the applicant's prospective board of trustees.

(d) By October 1 of the given year, the state board shall have reviewed the proposed contract and shall grant or deny the proposed contract, using as its criteria whether or not the proposed contract contains and addresses the elements required under 194-B:3, II. The state board reserves the right to suggest amendments or additions to the proposed contract as it deems necessary to assure its completeness and compliance with this chapter. Contract disapprovals shall include a written statement specifying areas deemed deficient. The state board shall promptly notify the prospective board of trustees and the school board of its decision in writing. For any applicant charter school whose proposed contract is deemed complete and is approved by the state board, the state board shall issue a charter enabling the formation and operation of the charter school.

(e) The school board shall promptly execute the state board approved contract within one month of the school board's receipt of notice of approval from the state board.

(f) The executed contract shall be submitted to the school district legislative body for subsequent ratification or denial without amendment, which decision shall be final. The ratification question shall be placed on the warrant of the next special or annual school district meeting. In districts without annual meetings, the legislative body shall have final authority to ratify or deny the state board approved contract. A ratified contract grants final authority for the charter school to operate for the life of its contract and to receive school district funds.

(g) The school's charter and contract shall become effective July 1 immediately following ratification by the legislative body. Upon approval by the legislative body, charters shall be granted for a 5-year term beginning on July 1 immediately following ratification by the legislative body.

IV.(a) The charter school's prospective board of trustees may appeal a denial by a school board under RSA 194-B:3, III (c) to the state board by August 1 of the given year.

(b) The state board shall conduct a review of the proposed charter school contract, using review standards as specified under RSA 194-B:3, II. The state board shall be authorized to suggest amendments or additions to the proposed contract to both parties including, but not limited to, deficiencies identified by the local school board and the trustees, as the state board deems necessary to assure its completeness and compliance with this chapter. Contract disapprovals by the state board shall include a written statement specifying areas deemed deficient or in the case of approval on appeal, the reasons for such action to both parties. The state board shall promptly notify the prospective board of trustees and the school board of its decision in writing.

(c) For any applicant charter school whose entire proposal is complete and is approved by the state board on appeal from denial by a school board, the state board shall issue a charter enabling the formation and operation of the charter school.

(d) To complete the process by which an applicant charter school may be approved on appeal from a school board denial, RSA 194-B:3, III (e), (f) and (g) must also be followed.

V. Persons or entities eligible to submit an application to establish a charter school shall include:

(a) A nonprofit organization including, but not limited to, a college, university, museum, service club, or similar entity.

(b) A group of 2 or more New Hampshire certified teachers.

(c) A group of 10 or more parents.

VI.(a) Any existing public school may by a vote of the school board become a charter conversion school, provided that, in addition to all other requirements of this chapter for establishment of a charter school:

(1) A majority of its prospective teachers vote by ballot to approve such conversion in a district with more than one school, or 2/3 of the teachers so vote in a single school district.

(2) The school superintendent and principal both provide their approval in writing.

(b) All pupils attending a school which successfully converts to charter status shall be eligible for admission to such charter school.

VII. Neither a school board nor the state board shall accept an application to form a charter school from state approved nonpublic schools, including those which may reorganize in any form.

VIII. Home education programs established pursuant to RSA 193-A shall not be eligible to be a charter school.

IX. A charter school which has not initiated operation within 18 months of the issuance of its charter shall submit a progress report to the state board and school board. The state board may withdraw its approved charter if substantial progress has not been made toward opening the charter school.

X. A school's charter may be renewed in the same manner that a new charter school is formed, except that:

(a) A school's renewal term shall be for a period of 7 years.

(b) The adoption provisions of RSA 194-B:4 are not required.

XI.(a) A charter school may apply to the school board for amendment to its contract, which shall be granted or denied within 30 days at the school board's discretion. The school board shall notify the school in writing of the decision to grant or deny the proposed amendment, providing reasons for the decision. An approved amended contract shall be promptly signed by the school board within one month of approval.

(b) A charter school may appeal the denial of a proposed contract amendment to the state board. The state board shall review the proposed amendment and within 30 days shall notify the school and the school board in writing of the decision to grant or deny the amendment, providing reasons for the decision.

(c) Within one month of receipt of a notice of approval from the state board on appeal from a school board denial, the school board shall promptly execute the proposed amended contract.

(d) When executed by the school board, an appealed amended contract shall be submitted promptly to the school district legislative body for subsequent ratification or denial without amendment, which decision shall be final. The ratification question shall be placed on the warrant of the next special or annual school district meeting. In districts without annual meetings, the legislative body shall have final authority to ratify or deny the proposed amended contract.

XII. For specific periods of time and for good cause shown, a school board and the state board may waive any deadlines applying in this section to their respective actions to shorten or speed a charter school's approval process. A school board and the state board may provide technical assistance to improve a charter school's application or to speed the approval process. An applicant whose proposed contract is not approved by a school board or by the state board shall be granted the opportunity to present a revised contract for reconsideration.

194-B:4 Charter Schools and Open Enrollment Schools; Procedure for Adoption and Rescission; Limitations.

I. Any school district may adopt the provisions of RSA 194-B, to adopt a charter and open enrollment school program, in the following manner:

(a) The question shall be placed on the warrant of a special or annual school district meeting which body shall have final authority to adopt the provisions of this chapter.

(b)(1) In districts without annual meetings, the legislative body of the school district shall consider and act upon the question in accordance with their current procedures. To the extent and if permitted by local ordinance, upon submission to the legislative body within 60 days of the legislative body's vote of a petition signed by 100 or 2 percent, whichever is less, of the registered voters, the legislative body shall place the question on the official ballot for any regular election otherwise in accordance with their current procedures for passage of referenda.

(2) The school district legislative body shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the hearing.

(3) In the event that the referendum is nonbinding, the question shall be returned for reconsideration to the legislative body which shall have final authority to adopt the provisions of this chapter.

(4) In the event that the referendum is binding, the public vote shall be the final and binding authority to adopt the provisions of this chapter.

(c)(1) In adopting the provisions of RSA 194-B, a school district shall impose limitations on the number of its resident pupils who may attend charter or open enrollment schools located inside and outside the school district. These limitations shall be represented as any percentage between zero and 100 percent of the school district's current pupil enrollment.

(2) In school districts with annual meetings, where no limitation question receives a majority vote, the limitations applying to the district shall be zero. Where 2 or more conflicting adoption and/or limitation questions receive a majority vote, that combination of adoption and limitation provisions receiving a majority vote granting greatest latitude of parental choice shall apply.

(d) The wording of the required adoption and limitation questions shall be either or both:

(1) "Shall we adopt the provisions of RSA 194-B, implementing a charter and open enrollment school program?"; and "Shall no more than (any whole number from 0 to 100) percent of the district's current pupil enrollment be eligible for tuition to attend charter and open enrollment schools located outside the school district?"; and "Shall no more than (any whole number from 0 to 100) percent of the district's current pupil enrollment be eligible for tuition to attend charter and open enrollment schools located inside the school district?"; or

(2) "Shall we adopt the provisions of RSA 194-B, implementing an open enrollment school program?"; and "Shall no more than (any whole number from 0 to 100) percent of the district's current pupil enrollment be eligible for tuition to attend open enrollment schools located outside the school district?"; and "Shall no more than (any whole number from 0 to 100) percent of the district's current pupil enrollment be eligible for tuition to attend open enrollment schools located inside the school district?"

(e) For all limitation questions, the school board shall propose a percentage limitation number. The number may also be proposed by petition.

(f) Adoption and limitation actions shall become effective on July 1 immediately following the action to adopt or limit.

II.(a) A school district which has adopted any provisions of RSA 194-B may rescind its action or modify the limitations imposed in the manner described in paragraph I. The wording of the questions in subparagraph I (d) shall be the same, except that the word "adopt" shall be changed to "rescind."

(b) If a majority of those voting vote to rescind the provisions of RSA 194-B or to reduce the percentages of pupils eligible to attend open enrollment or charter schools, then as of July 1 next following the action taken:

(1) The resident district shall make alternate arrangements in accordance with RSA 189:1-a for the education of any pupil enrolled at a charter school.

(2) If the percentage of pupils eligible for tuition to attend open enrollment schools in other districts is reduced, a resident pupil enrolled at a school outside the district shall continue to be eligible for tuition for the period necessary to complete the highest grade level offered by the school.

(3) If the percentage of pupils eligible for tuition to attend open enrollment schools in the resident district is reduced, the resident district shall make alternate arrangements in accordance with RSA 189:1-a for the education of any affected pupil.

(c) If a host district rescinds its vote enabling the operation of a charter school located in that district, the charter school may retain its physical location and may continue to receive students and tuition from other districts if any sending district agrees to assume the responsibilities of the host district within 18 months of the effective date of the rescission.

III. The provisions of RSA 194-B:3 shall apply to the establishment of each individual charter school.

#### 194-B:5 Charter Schools; Authority and Duties of Board of Trustees.

I. Unless otherwise provided in this chapter, the board of trustees of a charter school, upon issuance of its charter, shall have general supervisory control and authority over the operations of the charter school.

II. No greater than 25 percent of the membership of a school board, or one member, whichever number is greater, may simultaneously serve as members of the board of trustees of a charter or charter conversion school. No greater than 25 percent of the membership of the board of trustees of a charter or charter conversion school, or one member, whichever is greater, may simultaneously serve as members of any school board. A charter school board of trustees shall include no fewer than 25 percent or 2 parents of pupils attending the charter school, whichever is greater. Teachers of a charter school may serve on its board of trustees.

III. An established charter school shall be a corporation with authority necessary or desirable to carry out its charter program including, but not limited to, the following:

(a) To adopt a name and corporate seal, provided that any name selected shall include the words "charter school."

(b) To sue and be sued, but only to the same extent and upon the same conditions that a town can be sued.

(c) To acquire real property from public or private sources by lease, by lease with an option to purchase, or by gift for use as a school facility, provided that such acquisition is consistent with established school purposes.

(d) To receive and disburse funds for school purposes.

(e) To make contracts and leases for the procurement of services, equipment and supplies, provided that:

(1) If the board of trustees intends to procure substantially all educational services under contract with another person or entity, the terms of such a contract shall be provided in an addendum in the school's contract.

(2) The state board and the school board shall not approve any such contract terms, the purpose or effect of which is to avoid the prohibition in this chapter against charter school status for nonpublic schools.

(f) To incur temporary debt in anticipation of receipt of funds.

(g) To solicit, accept, manage and use any grants or gifts, provided that such activities are consistent with established school purposes.

(h) To have such other powers that are available to a business corporation formed under RSA 293-A and that are not inconsistent with this chapter.

IV. The board of trustees shall report to the school board at least quarterly regarding the progress of the charter school's achievement of its stated goals. The charter school shall solicit advice from the school board. The school board and the charter school shall adopt mutually acceptable content requirements for the quarterly report which shall include, but not be limited to, a financial statement. During the pilot program in RSA 194-B:21, the school board shall forward the trustees' reports with its evaluation to the state board and the legislative oversight committee.

V. A charter school and the host school district are encouraged to enter into mutually advantageous contractual relationships resulting in the sharing of transportation, instructional, athletic, maintenance, and other services and facilities.

194-B:6 Charter Schools; Liability. No host, sending, or receiving district shall be held liable for damages in an action to recover for bodily injury, personal injury or property damage as defined in RSA 507-B:1, arising out of the establishment or operation of a charter school.

194-B:7 Charter Schools; Secular or Nonsecular Determination. For purposes of determining whether a proposed charter school is a prohibited religious school, the following 3-part test set forth by the United States Supreme Court shall be used.

I. The school shall have a secular purpose.

II. The school's "primary effect" shall neither advance nor prohibit religion.

III. The school shall not foster "excessive entanglement" between the school and religion.

#### 194-B:8 Charter Schools; Requirements; Options.

I. A charter school shall not discriminate or violate individual civil rights in any manner prohibited by law. A charter school shall not discriminate against any educationally disabled pupil.

II. A charter school shall comply with all applicable state and federal health and safety laws, rules, and regulations.

III. Charter schools shall provide instruction for at least the number of days required by state law. A charter school shall comply with compulsory attendance laws as provided in RSA 189:1, 189:1-a and 193:1. Innovative scheduling resulting in at least that number of attendance hours required under RSA 189:1, 189:1-a and 193:1 and current state board attendance rules shall be encouraged.

IV. A charter school providing the only available public education services at a specific grade level in a school district shall offer those educational services to all resident pupils of that grade level.

V. At least annually and near the end of each school year, a charter school shall evaluate the educational progress of each pupil, as specified in 194-B:3, II(h). Such evaluation shall include, but not be limited to, the New Hampshire statewide education improvement and assessment program, as provided in RSA 193-C. The cost of the state assessment program shall be borne by the state.

VI. A charter school may be located in part of an existing public school building, in space provided on a private work site, in a public building, or any other suitable location. A charter school may own, lease, or rent its own space, or utilize space based on other innovative arrangements.

VII.(a) A charter school may contract for services with any private or public entity including, but not limited to, private and public schools or districts, except for teaching services which may not be obtained from a nonpublic school.

(b) All contracted services shall be defined by purchase order or written contract in advance of such service being provided.

(c) Any contractor shall provide proof of adequate professional liability insurance.

(d) Subcontracts for teaching services with nonpublic schools are prohibited.

194-B:9 Charter and Open Enrollment Schools; Pupil Selection; Enrollment; Separation.

I. Except as provided for under 194-B:8, IV:

(a) Charter schools may set maximum enrollment as they deem appropriate.

(b) Charter schools may limit enrollment to specific grade or age levels, pupil needs, or areas of academic focus including, but not limited to, at risk pupils, vocational education pupils, mathematics, science, the arts, history or languages.

(c)(1) Charter schools may select pupils on the basis of aptitude, academic achievement, or need, provided that such selection is directly related to the academic goals of the school.

(2) If the number of otherwise eligible applicants to a particular charter or open enrollment school exceeds that school's maximum published enrollment, that school shall use lottery selection as a basis for admission.

(3) If the number of otherwise eligible applicants to charter or open enrollment schools located inside and outside the school district exceeds that district's published maximum percentage of pupils authorized to attend such schools, the district shall use lottery selection as a basis for pupil eligibility, and in accordance with RSA 194-B:2, VIII.

II. A pupil may withdraw from a charter school at any time and enroll in a public school where the pupil resides, except that no pupil shall change schools more than once each school year. That pupil's local school board may waive this limitation after a hearing.

III. A pupil may be suspended or expelled from a charter school based on criteria determined by the board of trustees consistent with its charter contract, with the advice of the principal and teachers and in conformance with RSA 193:13, and in accordance with RSA 189:1-a. No public school shall be obligated to enroll an expelled pupil.

IV. For the purpose of this chapter, any resident pupil enrolled in a charter school is to be considered reassigned to the charter school in accordance with RSA 193:3.

V. For districts having enabled only the open enrollment provisions of this chapter, the school board shall have the authority to establish rules to implement open enrollment.

194-B:10 Charter Schools; Reporting Requirements.

I. Each charter school shall provide one copy of its annual report to the state board and to its local school board. This report shall also be available to any person who expressly requests it.

II. A charter school shall provide at its own expense an annual financial audit and report to the state board and the school board complying with any current format and content require-

ments imposed upon a public school. The report shall include the number of pupils served by the school and their respective tuition rates and a discussion of progress made towards the achievement of the school's academic and other goals set forth in its charter.

III. To ensure compliance with its contract and applicable law, a charter school shall be subject to a first year and periodic subsequent program audits by the department of education or its agent.

IV. A summary version of any annual and periodic reports required in this chapter shall be provided to the parent or guardian of each pupil enrolled at a charter school and shall be made available to the legislative body.

V. A representative of a charter school shall attend and be prepared to report at and answer questions during relevant portions of the annual school district budget process.

194-B:11 Charter and Open Enrollment Schools; Funding. Charter and open enrollment schools shall be funded as follows:

I. There shall be no tuition charge for any pupil attending an open enrollment or charter conversion school located in that pupil's resident district. Funding limitations in this chapter shall not be applicable to charter conversion or open enrollment schools located in a pupil's resident district. For any other charter or open enrollment school, the pupil's resident district shall pay to such school an amount equal to not less than 80 percent of that district's prior fiscal year's average cost per pupil. In calculating the cost per pupil, the district's expenditures for all added services for special education and for services provided under individual education plans, plus any federal or other funds identified under RSA 194-B:11, IV, shall be deducted from the school district's total education expenditures. The 80 percent minimum amount shall be as determined by the department of education. Tuition amounts shall be prorated on a per diem basis for pupils attending a school for less than a full school year.

II. A school district lacking a meaningful basis to determine average expenditure per pupil may use statewide average figures as determined by the department of education for the purposes of this chapter.

III. In accordance with current department of education standards, the funding and educational decision-making process for educationally handicapped pupils attending a charter or open enrollment school shall be the responsibility of the local education agency (LEA) and shall retain all current options available to the parent and to the LEA.

IV. Any federal or other funding available in any year to a sending district shall, to the extent and in a manner acceptable to the funding source, be directed to a charter or open enrollment school in a receiving district on an eligible per pupil basis. This funding shall include, but not be limited to, funding under federal Chapter I, II, Title II, and Drug-Free Schools, in whatever form the funding is available in any year.

V.(a) A sending district may provide funds, services, equipment, materials or personnel to a charter or open enrollment school, in addition to the amounts specified in this section in accordance with the policies of the sending school district.

(b) A charter or open enrollment school may accept pupils at tuition rates at less than the amounts established by this chapter.

(c) A charter school, other than a charter conversion school, shall accept an otherwise eligible out-of-district pupil regardless of that pupil's sending district's tuition amount.

VI. A charter or open enrollment school may receive financial aid, private gifts, grants, or revenue as if it were a school district. A charter school shall not be compelled to accept funding from any source.

VII. No school building aid under RSA 198:15-a through 15-h shall be awarded to a charter school for the purpose of acquiring land or buildings, or for constructing, reconstructing, or improving the charter school, unless the building is owned by the school district, under lease to the charter school, and such lease does not include an option to purchase the building. A charter conversion school shall be eligible for school building aid.

VIII. For the purposes of determining the per-pupil portion of foundation aid, all resident pupils shall be counted, regardless of which public school they may attend.

194-B:12 Charter and Open Enrollment Schools; Budgets. That portion of a school district's estimated expenditures on charter and open enrollment school tuition shall be shown as a separate line item in a school district's budget.

**194-B:13 Charter Schools; Operations; Curriculum.**

I. A charter school shall operate in accordance with its charter.

II. The internal form of governance of a charter school shall be determined by the school's charter.

III. The board of trustees, in consultation with teachers and the principal, shall determine the charter school's curriculum and develop the school's annual budget.

IV. The board of trustees shall be considered the public employer for the purpose of collective bargaining.

**194-B:14 Charter Schools; Employees.**

I. Employees of charter schools shall be considered public employees for the purpose of collective bargaining.

II.(a) Any teacher may choose to be an employee of a charter school, in which case such teacher shall have the rights of a teacher in public education to join or organize collective bargaining units.

(b) Bargaining units at a charter school shall be separate from other bargaining units.

(c) No charter school teacher shall be a member of more than one bargaining unit.

(d) A teacher who serves as a member of the board of trustees of a charter school in which that teacher is an employee may not participate in or vote as a member of the board on collective bargaining matters.

(e) A teacher in a charter school shall have withdrawn from any bargaining unit with which that teacher may have been previously affiliated.

III. A charter school may choose to participate in the state teacher retirement system, and service in a charter school shall be deemed creditable service under RSA 100-A:4.

IV. The teaching staff of a charter school shall consist of a minimum of 50 percent of teachers either New Hampshire certified or having at least 3 years of teaching experience.

**194-B:15 Charter Schools; Grievance Procedure.**

I. Individuals or groups may complain to a charter school's board of trustees concerning any claimed violation of the provisions of the school's contract.

II. If, after presenting their complaint to the trustees, the individuals or groups believe their complaint has not been adequately addressed, they may submit their complaint to the school board, which shall investigate such complaint and make a determination. School board decisions with respect to grievances may be appealed to the state board.

**194-B:16 Charter Revocation; Probation.**

I. Written petition to the state board to revoke a school's charter may be requested by the parent of any pupil currently attending that charter school, or by the school board of a host or receiving school district.

II. After reasonable notice has been provided to all affected parties, the state board may revoke a school's charter prior to the expiration of its term under the following circumstances:

(a) The school commits a material violation of any of the conditions, standards, or procedures set forth in its charter contract.

(b) The school fails to meet generally accepted standards for fiscal management.

(c) The school significantly violates the law.

(d) The school makes a material misrepresentation in its contract application.

(e) The school becomes insolvent or financially unstable.

III. Before revoking a school's charter, the state board shall consult with the school board and the board of trustees on the development and implementation of a remedial plan.

IV. The state board may place a charter school on probationary status for up to one year to allow the implementation of a remedial plan, after which, if the plan is unsuccessful, the charter shall be revoked.

V. Nothing contained in this section shall prevent the state board from immediately revoking a school's charter in circumstances posing extraordinary risk of harm to pupils.

VI. By the end of its final contract year, the charter school shall meet or exceed the objective academic test results or standards and goals as set forth in its contract. If the school does not meet these results or standards and goals, it shall not be eligible for renewal of its charter.

VII. If a school's charter expires or is revoked, the school shall be dissolved under the provisions of its charter contract. If the contract provisions are silent or ambiguous as to dispo-



sition of any asset of the school, such asset shall revert to the school district in which the charter school is located at no cost to that district, subject to the school district's acceptance of the asset. Under no circumstances shall the school district be liable for any obligations of the dissolved charter school.

VIII. If a school's charter expires or is revoked, the parent of a pupil attending that school may apply to any other charter or open enrollment school eligible to receive tuition under the provisions of this chapter adopted by the school district. The pupil's sending district shall not be relieved of its obligation to educate that pupil in accordance with the district's policies.

194-B:17 State Board; Duties.

I. The state board of education shall establish guidelines and criteria consistent with this chapter to be used by applicants in drafting a charter school contract and by school boards to determine whether or not an applicant's charter school contract proposal conforms with the intent of this chapter.

II. The state board shall publish sample charter school contract agreements. There shall be no requirement that any of the terms and conditions of such sample agreements be adopted by any charter school, other than as specified in this chapter.

III. The state board shall disseminate information to the public on ways to form, convert, and operate a charter school.

IV. The state board shall promulgate uniform statewide annual deadlines and procedures for pupil enrollment applications and school and parental enrollment decisions for charter and open enrollment schools.

V. The state board shall develop procedures and guidelines for revocation and renewal of a school's charter.

VI. The state board shall convene one or more working committees to study and make recommendations regarding the implementation and effectiveness of charter and open enrollment schools. The recommendations shall be provided to the legislative oversight committee in RSA 194-B:21.

VII. The state board shall ensure, through its process of granting new charter school charters, that, on a statewide basis, the operation of charter schools does not result in illegal discrimination against any category of pupils.

194-B:18 State Board Rulemaking Authority. The state board shall be authorized to adopt rules, under RSA 541-A, to permit administration of the provisions of this chapter.

194-B:19 Provisions Controlling; Voting.

I. The provisions of this chapter shall be controlling over any other contradictory or inconsistent provisions of law.

II. All votes and decisions in this chapter shall be determined by majority, unless otherwise specified.

194-B:20 Pilot Program.

I. Prior to January 1, 1997, the state board shall grant no more than 5 charter school applications. During calendar year 1997 and each calendar year thereafter, no more than 10 charter school applications shall be granted by the state board. To ensure geographic dispersion of charter schools throughout the state, no more than one charter school and one charter conversion school application shall be granted in any one calendar year in each executive council district. The physical location of the charter or charter conversion school shall be used to determine its executive council district. Denial by a legislative body for a state board approved charter school's authority to operate under the provisions of RSA 194-B:3, III (f) shall allow an alternate charter school application to be granted by the state board. Final authority to operate fewer than the maximum number of permitted charters in any executive council district in any year shall not increase the maximum number of permitted charters in that district in any subsequent year.

II. The state board, using its own discretion, shall approve charter school applications so as to ensure as diverse as practical a range of charter schools. If no charter conversion school applications are granted by the state board in an executive council district in any one year, 2 charter school applications may be granted in that executive council district in that year. The state board shall set its annual application deadline for charter schools consistent with the application and approval deadlines in RSA 194-B:3.

194-B:21 Oversight Committee; Report.

I. There is hereby established a joint legislative oversight committee. The committee shall jointly meet at least once a year and shall monitor the effect of this chapter, make recommendations for any legislative changes with respect thereto, and make recommendations to the legislature to reduce the scope of, ease the administration of, simplify the compliance with, and, where appropriate, recommend to the legislature elimination of regulations and reduction of the amount of paperwork required in connection with all public education and the state's regulation thereof. The committee shall include 3 senators appointed by the president of the senate, 3 members of the house appointed by the speaker of the house, and one member of the state board appointed by the chairperson of the state board who shall serve as a nonvoting member in an advisory capacity.

II. The committee shall submit a written report of its findings and recommendations to the president of the senate, the speaker of the house, and the chairpersons of the house and senate education committees on November 1 of each year, except for the year 2000, when the report shall be submitted on July 1.

194-B:22 Severability. If any provision of this chapter, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of the chapter which can be given effect without the invalid provisions or applications and to this end the provisions of this chapter are severable.

7 Actions Against Governmental Units; Charter School Added to Definition of "Governmental Unit." Amend RSA 507-B:1, I to read as follows:

I. "Governmental unit" means any political subdivision within the state including any county, city, town, precinct, school district, [supervisory union] *charter school, school administrative unit*, or departments or agencies thereof, or any other body corporate and politic within the state, but does not include the state or any department or agency thereof.

8 References to Trustee and Charter School Added. Amend RSA 507-B:4, IV to read as follows:

IV. If any claim is made or any civil action is commenced against a present or former employee, *trustee*, or official of a municipality *or charter school* seeking equitable relief or claiming damages, the liability of said employee or official shall be governed by the same principles and provisions of law and shall be subject to the same limits as those which govern municipal liability, so long as said employee or official was acting within the scope of his office and in good faith.

9 Repeal. RSA 194-B:20, relative to a charter school pilot program, is repealed.

10 Effective Date.

I. Section 9 of this act shall take effect July 1, 2000.

II. The remainder of this act shall take effect July 1, 1995.

### AMENDED ANALYSIS

This bill sets forth the procedures to establish a charter school which is a public school, operated and managed by a board of trustees under a contract with a local school board and approved by the state board of education as a nonprofit secular organization. A charter school shall be a discrete and autonomous legal entity. All charter schools shall be open enrollment schools. The bill establishes a pilot program which provides for the approval of a certain number of charter schools until the year 2000.

This bill also establishes statewide open enrollment, permitting the parents or guardians of any New Hampshire resident child to choose any public school which accepts students residing outside that school's normal attendance area or district.

Adopted.

Reps. Donald White, Guest and Hutchinson spoke against.

Reps. Belvin and Larson spoke in favor and yielded to questions.

Rep. Richard Champagne spoke in favor.

Rep. John Hunt requested a roll call; sufficiently seconded. The question being the adoption of the Majority report.

**YEAS 268 - NAYS 86****YEAS 268****BELKNAP**

Bartlett, Gordon  
Johnson, James  
Rice, Thomas, Jr.  
Turner, Robert

Boriso, Thomas  
Laffam, Robert  
Rosen, Ralph  
Wendelboe, Francine

Cain, Thomas  
Lawton, David  
Smith, Linda  
Ziegra, Alice

Hurt, George  
Lawton, Robert  
Thomas, John

**CARROLL**

Babson, David, Jr.  
Cooper, Kipp  
Lyman, L. Randy

Beach, Mildred  
Dickinson, Howard, Jr.  
Mock, Henry  
Bradley, Jeb  
Howard, Godfrey  
Patten, Betsey

Chandler, Gene  
Kenney, Joseph  
Philbrick, Donald

**CHESHIRE**

Champagne, Richard  
Feuer, Joseph  
McNamara, Wanda  
Smith, Edwin

Cole, Stacey  
Hunt, John  
Metzger, Katherine  
Steere, Myron, III

Delano, Robert  
Laurent, John  
Riley, William

Doucette, Richard  
McGuirk, Paul  
Royce, H. Charles

**COOS**

Bradley, Paula  
Pratt, Leighton

Guay, Lawrence  
St. Hilaire, Paul

Horton, Lynn

Merrill, Gerald

**GRAFTON**

Adams, Carl  
Brown, Channing  
Guaraldi, Lawrence  
Lovett, Sidney  
Scanlan, David

Bean, Pamela  
Cobbin, Philip  
Hill, Richard  
MacNeil, Allen  
Teschner, Douglass

Below, Clifton  
Connolly, Steven  
LaMott, Paul  
Mirski, Paul  
Tucker, John

Brown, Alson  
Eaton, Stephanie  
Larson, Nils, Jr.  
Phinney, William  
Williams, William, Jr.

**HILLSBOROUGH**

Aksten, Cheryl  
Andrews, Frederick  
Belvin, William  
Cepaitis, Elizabeth  
Daniels, Gary  
Durham, Susan  
Fenton, James  
Francœur, Gary  
Gotham, Rita  
Hansen, Herbert  
Holt, David  
Kelley, Robert  
L'Heureux, Robert  
Lozeau, Donnalee  
Marcinkowski, Michael  
Melcher, Harold  
Moncrief, Keith  
Pappas, Marc  
Riley, Frances  
Soucy, Richard  
Thulander, O. Alan  
Wright, George

Allen, W. Gordon  
Arnold, Thomas, Jr.  
Boutin, David  
Chabot, Robert  
Desmarais, Vivian  
Dyer, Merton  
Ferguson, Charles  
Franks, Suzan  
Goulet, Maurice  
Hart, Nick  
Hunter, Bruce  
Kirby, Thomas  
Lefebvre, Roland  
Luebker, Bernard  
Martin, Mary  
Mercer, Robert  
Morello, Michael  
Pepino, Leo  
Sallada, Roland  
Streeter, Janice  
Turgeon, Roland

Alukonis, David  
Asselin, Robert  
Brundige, Robert  
Champagne, Norma  
Desrosiers, William  
Emerton, Lawrence, Sr.  
Fields, Dennis  
Gagnon, Eugene  
Haettenschwiller, Alphonse  
Holden, Carol  
Jean, Loren  
Krochmal, Mark  
Legacy, Earl  
MacGillivray, Jeffrey  
McCarty, Winston  
Milligan, Robert  
O'Hearn, Jane  
Perkins, Paul  
Sargent, Maxwell  
Sullens, Joan  
Wheeler, Craig

Amidon, Eleanor  
Barry, Janet  
Calawa, Leon, Jr.  
Cote, Peter  
Dodge, Emma  
Feng, David  
Foster, Linda  
Gibson, John  
Hallyburton, Margaret  
Holley, Sylvia  
Johnson, Lionel  
Kurk, Neal  
Letendre, Evelyn  
MacIntyre, Doris  
McRae, Karen  
Mittelman, David  
Packard, Bonnie  
Peters, Stanley  
Searles, Stanley, Sr.  
Taylor, Paul  
Wheeler, Robert

**MERRIMACK**

Barberia, Richard  
Chandler, John

Buessing, Marjorie  
Crosby, Toni

Chandler, Charles  
Crowell, Peter

Chandler, Earle  
DeStefano, Stephen

Fraser, Marilyn  
Kennedy, Richard  
MacKay, James  
Patenaude, Amy  
Warner, Richard  
Whittemore, James

Hess, David  
Lamach, Bernard  
Morrill, Olive  
Pitman, Mary Ellen  
Weeks, John, Jr.

Holmes, Mary  
Langer, Ray  
Newland, Matthew  
Shaw, Randall  
Whalley, Michael

Jacobson, Alf  
Lockwood, Robert  
Nichols, Avis  
Varsalone, Robert

### ROCKINGHAM

Abbott, Dennis  
Belanger, Ronald  
Christie, Andrew, Jr.  
Conroy, Janet  
Dolan, Richard  
Felch, Charles, Sr.  
Flanders, John, Sr.  
Gorman, Donald  
Johnson, Robert  
Kobel, Rudolph  
Malcolm, Ken  
Moore, Benjamin  
Packard, Sherman  
Ross, James  
Smith, Arthur  
Sytek, Donna  
Weyler, Kenneth

Arndt, Janet  
Bishop, Franklin  
Clark, Martha  
Cornell, A. Jefferson  
Dowd, Sandra  
Fesh, Robert  
Gargiulo, Louis  
Hawkins, Robert  
Katsakiores, George  
Kruse, Fred  
McCarthy, John, Jr.  
Morris, Debbie  
Pratt, Katharin  
Rubin, George  
Stone, Joseph  
Sytek, John  
Yennaco, Carol

Attar, Kevin  
Camm, Kevin  
Clark, Vivian  
Cote, Patricia  
Dowling, Patricia  
Flanagan, Natalie  
Gleason, John  
Henderson, Warren  
Katsakiores, Phyllis  
Lovejoy, Marian  
McGovern, Cynthia  
Nowe, Ronald  
Putnam, Ed, II  
Scanlon, Edward  
Stritch, C. Donald  
Weare, Everett

Beaulieu, Jon  
Carson, Gregory  
Coes, Betsy  
Dodge, Robert  
Dunham, Vivian  
Flanders, David  
Goddard, Warren  
Hurst, Sharleene  
Klemm, Arthur, Jr.  
Magoon, Harold  
McKinney, Betsy  
Noyes, Richard  
Raynowska, Bernard  
Senter, Merilyn  
Syracusa, Anthony  
Welch, David

### STRAFFORD

Beube, Roger  
Knowles, William  
Spear, Barbara  
Vincent, Francis

Brown, Julie  
McKinley, Robert  
Steadman, Frederick  
Williams, Howard

Callaghan, Frank  
Merritt, Deborah  
Torr, Ann

Hanlon, Mark  
Reynolds, Charles  
Torr, Franklin

### SULLIVAN

Adler, Rudolf  
Peyron, Fredrik

Behrens, Thomas  
Schotanus, Merle

Krueger, Richard  
Scott, Robert

Lindblade, Eric  
Whipple, Allen

### NAYS 86

### BELKNAP

### CARROLL

### CHESHIRE

Burnham, Daniel  
Pratt, Irene  
Wollner, Robert

DePecol, Benjamin  
Richardson, Barbara

Kingsbury, H. Thayer  
Robertson, Timothy

Lynch, Margaret  
Russell, Ronald

### COOS

Coulombe, Henry  
Mears, Edgar

Coulombe, Yvonne

Davis, Perley

Hawkinson, Marie

### GRAFTON

Copenhaver, Marion  
Nordgren, Sharon

Croy, Elizabeth

Guest, Robert

Ham, Bonnie

### HILLSBOROUGH

Baroody, Benjamin  
Cote, David

Bergeron, Normand  
Dokmo, Cynthia

Buckley, Raymond  
Drabinowicz, A. Theresa

Clemons, Jane  
Dwyer, Paul, Sr.

Hussey, Mary  
Laughlin, J. Francis  
Philbrook, Paula  
White, John

Jean, Claudette  
McCarthy, William  
Reidy, Frank  
Worthen, Dorothy

Kane, Laura  
McMahon, Donald  
Toomey, Kathryn

LaRose, Richard  
Messier, Irene  
White, Donald

### MERRIMACK

Coughlin, Anne  
Moore, Carol  
Wallner, Mary Jane

Daneault, Gabriel  
Owen, Derek  
Willis, Jack

Dunn, Miriam  
Rogers, Katherine  
Yeaton, Charles

Feuerstein, Martin  
Trombly, Rick

### ROCKINGHAM

Case, Margaret  
Hutchinson, Karen  
Pantelakos, Laura

Crossman, Harold, Jr.  
Kane, Cecelia  
Sabella, Norma

Dube, LeRoy  
Kelley, Jane  
Splaine, James

Gage, Beverly  
Langley, Jane

### STRAFFORD

Brown, George  
Hambrick, Patricia  
Loder, Suzanne  
Snyder, Clair  
Wheeler, Katherine

Chagnon, Ronald  
Hemon, Roland  
Lundborn, Raymond  
Sullivan, Henry

Dunlap, Patricia  
Hilliard, Dana  
McCann, William, Jr.  
Wall, Janet

Grassie, Anne  
Keans, Sandra  
Pelletier, Arthur  
Wasson, Richard

### SULLIVAN

Allison, David  
Stettenheim, Sandy

Cloutier, John

Flint, Gordon

Palmer, Lorraine

and the report was adopted.  
Ordered to third reading.

### RECONSIDERATION

Having voted with the prevailing side, Rep. Hurst moved that the House reconsider its action whereby it adopted the Committee Report of Ought to Pass with Amendment on **SB 9**, relative to charter schools and open enrollment.

Reconsideration lost.

### RECONSIDERATION

Having voted with the prevailing side, Rep. Channing Brown moved that the House reconsider its action whereby it concurred with the Senate Amendment on **HB 50-FN**, relative to health insurance coverage for retirement system member spouses and dependents.

Reconsideration prevailed.

Rep. Channing Brown moved that we nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Robert Wheeler, Klemm, Robert Johnson and O'Rourke.

### SUSPENSION OF RULES

Reps. Ann Torr and Trombly moved that the Rules be so far suspended as to permit introduction, consideration and final passage at the present time of **HJR 5**, urging the Base Closure and Realignment Commission to remove the Portsmouth Naval Shipyard from the Base Closure List and proclaiming June 3, 1995, as Portsmouth Naval Shipyard Day.

Adopted by the necessary two-thirds.

### RESOLUTION

Reps. Ann Torr and Trombly offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Joint Resolution numbered 5, shall be by this resolution read a first and second time by the therein listed title.

Adopted.

**INTRODUCTION OF HJR****First and second reading**

**HJR 5**, urging the Base Closure and Realignment Commission to remove the Portsmouth Naval Shipyard from the Base Closure List and proclaiming June 3, 1995, as Portsmouth Naval Shipyard Day. (Syracusa, Rock 33; Burns, Coos 5; Trombly, Merr 4; A. Torr, Straf 12; Delahunty, Dist 22; Lovejoy, Dist 6; Cohen, Dist 24; J. King, Dist. 18; Shaheen, Dist. 21)

**STATE OF NEW HAMPSHIRE**

In the year of Our Lord

One Thousand Nine Hundred and Ninety-Five

**JOINT RESOLUTION**

urging the Base Closure and Realignment Commission to remove the Portsmouth Naval Shipyard from the Base Closure List and proclaiming June 3, 1995, as Portsmouth Naval Shipyard Day.

Whereas, the Portsmouth Naval Shipyard has served the nation's defense needs, building and maintaining warships since the nation was born; and

Whereas, the shipyard has the industrial plant, engineering talent, artisan skills, employment depth and scope of service to convert, overhaul, drydock, repair, modernize and provide logistical support to a variety of warships simultaneously; and

Whereas, the shipyard is uniquely qualified to repair, overhaul, modernize and refuel nuclear submarines in a safe, timely, and cost-effective manner; and

Whereas, Portsmouth Naval Shipyard facilities are designed to support future submarine work that is superior to any other shipyard, public or private; and

Whereas, the Portsmouth Naval Shipyard is vital to the economy of the New Hampshire sea-coast region and that of the entire state; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That June 3, 1995, is hereby proclaimed as Portsmouth Naval Shipyard Day in the state of New Hampshire; and

That the general court of New Hampshire urges the Base Closure and Realignment Commission to remove the Portsmouth Naval Shipyard from its Base Closure List and keep the shipyard open and operating; and

That a copy of this resolution be forwarded by the house clerk to the Base Closure and Realignment Commission.

Adopted.

**RESOLUTION**

Reps. Ann Torr and Trombly moved that **HJR 5**, urging the Base Closure and Realignment Commission to remove the Portsmouth Naval Shipyard from the Base Closure List and proclaiming June 3, 1995, as Portsmouth Naval Shipyard Day, be read a third time and passed.

Adopted.

**Third reading and final passage**

**HJR 5**, urging the Base Closure and Realignment Commission to remove the Portsmouth Naval Shipyard from the Base Closure List and proclaiming June 3, 1995, as Portsmouth Naval Shipyard Day.

**RESOLUTION**

Its introduction having been approved by the Rules Committee,

Reps. Ann Torr and Trombly offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 658, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF HOUSE BILL****First, second reading and referral**

**HB 658**, to legalize the 1995 annual town meetings for Bartlett and Gilmanton, and to legalize the 1995 Barrington school district annual meeting. (Golden, Belk. 5; G. Chandler, Carr. 1; Wall, Straf 9; Fraser, Dist 4; Cohen, Dist 24; Johnson, Dist 3: Municipal and County Government)

**SUSPENSION OF RULES**

Reps. Ann Torr and Trombly moved that the Rules be so far suspended as to permit a public hearing without the required notice on **HB 658**, to legalize the 1995 annual town meetings for Bartlett and Gilmanton, and to legalize the 1995 Barrington school district annual meeting.

Adopted by the necessary two thirds.

**REVENUE ESTIMATES****REMOVED FROM THE TABLE**

Rep. Kurk moved that **HR 15**, affirming unrestricted revenue estimates for fiscal years 1996 and 1997, be removed from the table. (Pending question: Ordering to third reading)

Adopted.

The Finance Committee offered the following: (*See pages 836 and 837*)

STATE OF NEW HAMPSHIRE  
HOUSE FINANCE COMMITTEE REVENUE REPORT  
TO THE HOUSE OF REPRESENTATIVES  
(000) OMITTED

GENERAL FUND	FY 1995				FY 1996				FY 1997			
	HB3 REVS/N											
	FY 1994 ACTUAL	FY 1995 OFFICIAL	GOVRNR ESTIMATE	GOVRNR ESTIMATE	FY 1995 GOVRNR ESTIMATE	FY 1995 GOVRNR ESTIMATE	FY 1996 GOVRNR ESTIMATE	FY 1996 GOVRNR ESTIMATE	FY 1997 GOVRNR ESTIMATE	FY 1997 GOVRNR ESTIMATE	FY 1997 FINANCE ESTIMATE	FY 1997 FINANCE ESTIMATE
BEER TAX	11,199	12,000	12,000	12,000	12,000	11,200	11,700	11,250	11,700	11,250	11,250	11,250
BOARD AND CARE REVENUE	13,703	12,755	13,161	13,161	13,161	13,200	13,737	13,700	13,689	13,700	13,700	13,700
BUSINESS ENTERPRISE TAX	23,553	27,100	33,000	33,000	33,000	30,500	35,000	32,500	37,000	32,500	34,500	34,500
BUSINESS PROFITS TAX	112,344	117,700	131,000	131,000	131,000	131,000	139,000	139,400	147,000	139,400	144,900	144,900
ESTATE AND LEGACY TAXES	32,148	35,000	33,000	33,000	33,000	31,000	33,600	33,000	34,600	33,000	34,600	34,600
INSURANCE TAX & REVENUES	43,070	41,200	44,600	44,600	44,600	43,200	46,500	46,500	65,000	46,500	59,800	59,800
SECURITIES REVENUES	13,097	9,800	13,100	13,100	13,100	13,500	13,100	13,500	13,100	13,500	13,500	13,500
INTEREST AND DIVIDENDS TAX	35,816	39,800	39,800	39,800	39,800	38,000	44,700	42,350	46,000	42,350	43,650	43,650
LIQUOR REVENUE	63,990	64,000	65,000	65,000	65,000	63,000	66,000	64,000	68,000	64,000	65,500	65,500
MEALS AND ROOMS TAXES	101,400	98,995	108,000	108,000	108,000	108,000	116,000	116,000	121,000	116,000	119,500	119,500
SKI OPERATIONS INCOME	5,853	5,000	6,000	6,000	6,000	4,300	6,600	6,000	6,600	6,000	6,000	6,000
DOG RACING REVENUE	3,147	4,000	3,100	3,100	3,100	2,800	3,100	2,800	3,100	2,800	2,800	2,800
HORSE RACING REVENUE	2,782	2,800	2,800	2,800	2,800	3,100	2,800	3,100	2,800	3,100	3,100	3,100
REAL ESTATE TRANSFER TAX	29,163	32,000	33,000	33,000	33,000	30,000	35,600	31,500	37,200	31,500	32,000	32,000
COMMUNICATIONS TAX	30,506	33,000	33,000	33,000	33,000	33,000	34,300	34,300	35,700	34,300	35,700	35,700
CIGARETTE TAX	43,738	45,000	44,000	44,000	44,000	44,000	44,000	45,000	44,000	45,000	45,000	45,000
UTILITIES	19,962	19,500	17,400	17,400	17,400	17,300	18,900	15,200	20,400	15,200	18,900	18,900
OTHER REVENUES	41,891	38,100	41,708	41,708	41,708	41,700	42,013	43,700	42,651	43,700	45,300	45,300
COURT FINES AND FEES	19,224	21,000	21,000	21,000	21,000	19,500	21,000	19,500	21,000	19,500	19,500	19,500
TOTAL STATE SOURCES	646,586	658,750	694,669	694,669	694,669	678,300	727,650	713,300	770,540	713,300	749,200	749,200





Rep. Kurk spoke in favor and yielded to questions.  
Adopted.

### **LAID ON THE TABLE**

Reps. Ann Torr and Trombly moved that **HR 15**, affirming unrestricted revenue estimates for fiscal years 1996 and 1997, be laid on the table.  
Adopted.

### **RESOLUTION**

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, May 31, 1995 at 1:00 p.m.  
Adopted.

### **LATE SESSION**

#### **Third reading and final passage**

**SB 164-FN**, relative to the procedures of the central registry under the division for children, youth, and families.

**SB 52**, relative to condominium associations.

**SB 75**, responding to the passage of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994.

**SB 9-FN-L**, relative to charter schools and open enrollment.

### **UNANIMOUS CONSENT**

Reps. Scott and Loren Jean addressed the House.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills, enrolling reports and forming Committees of Conference only.  
Adopted.

The House recessed at 4:30 p.m.

### **RECESS**

**(Rep. Boucher in the Chair)**

### **ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 116, 152, 179, 224, 230, 232, 309, 379, 560, and 639 and Senate Bills numbered 33, 53, 74 and 107.

Rep. Buckely, Sen. Currier for the Committee

### **RECESS**

**(Rep. Leighton Pratt in the Chair)**

### **SENATE MESSAGES**

#### **REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 140**, relative to safe school zones. (Amendment printed SJ 22, 5/23/95)

Rep. Donna Sytek moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Lozeau, Gagnon, Ross and Toomey.

**HB 333**, relative to election procedures. (Amendment printed SJ 22, 5/23/95)

Rep. Flanagan moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Flanagan, Holden, Willis and Charles Chandler.

## RECESS

(Rep. William Williams in the Chair)

## SENATE MESSAGES

## NONCONCURS WITH AMENDMENTS

## REQUESTS COMMITTEE OF CONFERENCE

**SB 12**, relative to the committee studying long-term care for the elderly.

The President appointed Sens. Wheeler, Barnes and J. King.

Rep. Holmes moved that the House accede.

Adopted.

The Speaker appointed Reps. Amidon, Ziegra, Sargent and Haettenschwiller.

**SB 116-FN-L**, standardizing and streamlining the application and appeal procedures for property tax relief.

The President appointed Sens. Colantuono, Gordon and Barnes.

Rep. Behrens moved that the House accede.

Adopted.

The Speaker appointed Reps. Behrens, Metzger, Noyes and Linda Foster.

**SB 168-FN-A**, establishing a task force to examine issues related to retail wheeling and making an appropriation therefor.

The President appointed Sens. Rodeschin, Shaheen and Rubens.

Rep. Jeb Bradley moved that the House accede.

Adopted.

The Speaker appointed Reps. Jeb Bradley, Guay, Frank Torr and Below.

**SB 173-FN-L**, relative to foundation aid.

The President appointed Sens. Lovejoy, Larsen and Colantuono.

Rep. Larson moved that the House accede.

Adopted.

The Speaker appointed Reps. Larson, Laurent, Ferguson and John White.

## RECESS

(Rep. Robert Dodge in the Chair)

## SENATE MESSAGE

## NONCONCURS WITH AMENDMENT

## REQUESTS COMMITTEE OF CONFERENCE

**SB 164-FN**, relative to the procedures of the central registry under the division for children, youth, and families.

The President appointed Sens. Wheeler, Lovejoy and J. King.

Rep. Hess moved that the House accede.

Adopted.

The Speaker appointed Reps. Julie Brown, Vivian Clark, Lyman and Allison.

## RECESS

(Rep. Whalley in the Chair)

## SENATE MESSAGES

## ACCEDES TO REQUESTS FOR COMMITTEES OF CONFERENCE

**HB 1-A**, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1996, and June 30, 1997.

The President appointed Sens. Currier, Blaisdell and Keough (Alternates: Colantuono and Delahunty).

**HB 2-FN**, relative to state fees, funds, revenues and expenditures.

The President appointed Sens. Currier, Blaisdell and Keough (Alternates: Colantuono and Delahunty).

**HB 25-A**, making appropriations for capital improvements and establishing a committee to oversee and set priorities for certain appropriations.

The President appointed Sens. Keough, Fraser and J. King (Alternates: Wheeler and Barnes).

**HB 50-FN**, relative to health insurance coverage for retirement system member spouses and dependents.

The President appointed Sens. Danais, F. King and J. King.

**HB 52-FN-L**, changing the age for application of the delinquency provisions from 18 to 17.

The President appointed Sens. Wheeler, Podles and Gordon.

**HB 140**, relative to safe school zones.

The President appointed Sens. Wheeler, Lovejoy and Podles.

**HB 181-FN**, establishing the motor oil discharge cleanup fund.

The President appointed Sens. Russman, Pignatelli and Rodeschin.

**HB 211-L**, changing the school foundation aid distribution formula, and providing for sweepstakes powerball revenue to be used for state aid to education.

The President appointed Sens. Lovejoy, Larsen and Colantuono.

**HB 332-FN-A**, providing for certain services for the developmentally disabled and making an appropriation therefor.

The President appointed Sens. Barnes, Colantuono and Lovejoy.

**HB 333**, relative to election procedures.

The President appointed Sens. Rubens, Gordon and Barnes.

**HB 341**, changing the procedure for the release of a security interest in a motor vehicle and establishing a committee to assess the feasibility of a paperless title system for motor vehicles.

The President appointed Sens. Gordon, Fraser and Cohen.

**HB 342**, relative to the use of moorings and clarifying related definitions.

The President appointed Sens. Danais, Currier and Cohen.

**HB 375**, relative to the interest rate on judgments.

The President appointed Sens. Podles, Gordon and Fraser.

**HB 390**, relative to the grandfathering of subdivisions and separate lots.

The President appointed Sens. Rubens, Stawasz and J. King.

**HB 441**, relative to the headway speed in tidal and non-tidal waters

The President appointed Sens. Pignatelli, Roberge and Cohen.

**HB 446**, relative to mental health care benefits within the HMO networks.

The President appointed Sens. Danais, Russman and J. King.

**HB 468**, relative to mutual savings banks.

The President appointed Sens. Fraser, Shaheen and Danais.

**HB 485**, relative to the taxation of transfers of certain estates.

The President appointed Sens. Danais, Blaisdell and Fraser.

**HB 508-FN**, relative to liability insurance coverage and defense expenses for foster parents.

The President appointed Sens. Wheeler, Podles and Pignatelli.

**HB 532-FN**, requiring co-payments from inmates of state correctional facilities for inmate initiated medical care and mental health services and repayment for costs of property damage, escape and riots.

The President appointed Sens. Wheeler, Gordon and Larsen.

**HB 556-FN**, regulating rate modifications for accident and health insurance policies.

The President appointed Sens. Danais, Fraser and Blaisdell.

**HB 558-FN-A**, requiring certain nonprofit health insurers and dental insurers to pay the premium tax.

The President appointed Sens. Danais, Currier and Keough.

**HB 561-FN**, repealing the workers' compensation commission.

The President appointed Sens. Danais, Currier and Cohen.

**HB 571-FN**, relative to use of per diem compensation by state boards and commissions and by the counties to pay certain costs for requirements of bailiffs imposed by a county sheriff's department; increasing the pay of parole board members; and requiring a termination provision for advisory committees.

The President appointed Sens. Gordon, Lovejoy and Cohen.

**HB 618-FN**, requiring the department of safety to keep drivers' records confidential except for certain reasons.

The President appointed Sens. Gordon, Currier and Roberge.

**HB 649-FN-L**, relative to independent contractors under workers' compensation.

The President appointed Sens. Danais, Blaisdell and Fraser.

**HB 652-FN-L**, allowing criminal action after a juvenile offender's nineteenth birthday in certain circumstances, and making technical changes to the juvenile delinquency provisions.

The President appointed Sens. Wheeler, Podles and Gordon.

## RECESS

(Rep. Hawkins in the Chair)

### NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEES OF CONFERENCE

**SB 138-FN-A**, relative to the rate of interest on overpayments and delinquencies on taxes administered by the department of revenue administration.

The President appointed Sens. Rodeschin, Stawasz and Blaisdell.

Rep. Channing Brown moved that the House accede.

Adopted.

The Speaker appointed Reps. Nichols, Weyler, Sallada and Donna Soucy.

**SB 146-FN-A**, relative to court procedures and clarifying that certain payments to guardians ad litem shall be made by the state and making an appropriation therefor.

The President appointed Sens. Podles, Cohen and Lovejoy.

Rep. Lockwood moved that the House accede.

Adopted.

The Speaker appointed Reps. Lockwood, John McCarthy, Streeter and Wall.

## RECESS

### CONFEREE CHANGE

**SB 164**, relative to the procedures of the central registry under the division for children, youth, and families.

Rep. Vivian Clark off; Rep. Lockwood on and first named.

## RECESS

Rep. Cole moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 23**

Wednesday, May 31, 1995

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

Center us in Your spirit, O God, so that we may organize our lives around Your dreams for this world. When we feel disillusioned, help us to remember that You never called us to harbor illusions in the first place. When we are discouraged, remind us that You are ever more ready to give hope when we are to ask for it. In all the twists and turns of our journey together, grant us, O God, Your perspective and humor so that our lives may reflect Your glory. Amen.

The Merrimack Police Department Honor Guard posted the colors.

Reps. Brundige, Emma Dodge, Fields, Gibson, Robert Kelley, L'Heureux and Milligan led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Aranda, Belanger, Bridgewater, Julie Brown, Robert Foster, Franks, Golden, Gotham, Healy, Nehring, Palmer and Splaine, the day, illness.

Reps. Connolly, Cornell, Crowell, Eaton, Henderson, MacIntyre, McRae, Perkins, Philbrook, Reynolds, Sargent, Katherine Wheeler and Whipple, the day, important business.

Reps. Jane Kelley and Worthen, the day, death in the family.

Reps. Charles Cote and Magoon, the day, illness in the family.

**GUESTS OF THE HOUSE**

The Merrimack Police Department Honor Guard, Lt. Mark Doyle and Officers Christopher Morency, Daniel Edmonds, Ronald Levierge, Dean Killkelly, Kenneth Stimson and Carol Scott.

**INTRODUCTION OF GUESTS**

Mr. & Mrs. Snow, Mr. & Mrs. Lane and Mrs. Andrews, guests of Rep. Andrews. Matthew Colby, grandson of Rep. Holmes. Former Rep. Ellen Dube, Chief Joseph Devine and Deputy Chief William Milligan, guests of the Merrimack Delegation. John Brown, son of Rep. Mary Brown. Paul, Jessy and Melissa Mertz and Melissa Gagne, guests of Rep. Owen. Stephanie Streeter, daughter of Rep. Streeter. Michael Brown, guest of Rep. Carson.

**CONFEREE CHANGES**

**HB 140**, relative to safe school zones.

Rep. Toomey off; Rep. Knowles on.

**HB 317**, relative to disqualification for unemployment compensation benefits due to self-employment.

Rep. Palmer off; Rep. Mears on.

Rep. Perkins off; Rep. Arthur Smith on.

**HB 441**, relative to the headway speed in tidal and non-tidal waters, clarifying the definition of a commercial boat and creating the position of chief harbor master.

Rep. Desmarais off; Rep. Klemm on.

Rep. Jane Kelley off; Rep. Berube on.

**SB 28**, relative to the air resources council.

Rep. LaMott off; Rep. Guay on.

Rep. Donald White off; Rep. MacGillivray on.

**SB 156**, establishing a committee to study the issues of lead abatement and relative to certain lead abatement issues.

Rep. Copenhagen off; Rep. Haettenschwiller on.

**SUSPENSION OF RULES**

Rep. David Scanlan moved that the Rules be so far suspended as to permit consideration beyond the deadline of **SB 174-L**, allowing the city of Manchester to establish and operate a civic center and establishing a civic center commission.

Reps. Soucy, William McCarthy, Hart, Dwyer and Laughlin spoke against.

Reps. Hunt, Carson, Gage and Boutin spoke in favor.

Reps. Reidy, John White and Buckley spoke against and yielded to questions.

Reps. Herman and Bonnie Packard spoke in favor and yielded to questions.

Rep. Ann Torr requested a roll call; sufficiently seconded. The question being the adoption of the motion to suspend the Rules.

**YEAS 216 - NAYS 133****YEAS 216****BELKNAP**

Bartlett, Gordon  
Johnson, James  
Rosen, Ralph  
Ziegra, Alice

Boriso, Thomas  
Lawton, David  
Thomas, John

Cain, Thomas  
Lawton, Robert  
Turner, Robert

Hurt, George  
Rice, Thomas, Jr.  
Wendelboe, Francine

**CARROLL**

Babson, David, Jr.  
Cooper, Kipp  
Lyman, L. Randy

Beach, Mildred  
Dickinson, Howard, Jr.  
Patten, Betsey

Bradley, Jeb  
Howard, Godfrey  
Philbrick, Donald

Chandler, Gene  
Kenney, Joseph

**CHESHIRE**

Avery, Stephen  
Hunt, John  
Royce, H. Charles

Burnham, Daniel  
Laurent, John  
Smith, Edwin

Cole, Stacey  
McNamara, Wanda  
Steere, Myron, III

Feuer, Joseph  
Metzger, Katherine

**COOS**

Davis, Perley  
Pratt, Leighton

Guay, Lawrence  
St. Hilaire, Paul

Horton, Lynn

Merrill, Gerald

**GRAFTON**

Adams, Carl  
Guaraldi, Lawrence  
MacNeil, Allen  
Trelfa, Richard

Bean, Pamela  
Ham, Bonnie  
Mirski, Paul  
Tucker, John

Brown, Channing  
Hill, Richard  
Scanlan, David  
Williams, William, Jr.

Chase, Paul, Jr.  
Larson, Nils, Jr.  
Teschner, Douglass

**HILLSBOROUGH**

Aksten, Cheryl  
Arnold, Thomas, Jr.  
Brundige, Robert  
Champagne, Norma  
Dodge, Emma  
Emerton, Lawrence, Sr.  
Gagnon, Eugene  
Hansen, Herbert  
Holt, David  
Kelley, Robert  
Legacy, Earl  
MacGillivray, Jeffrey  
Messier, Irene  
Morello, Michael  
Riley, Frances  
Streeter, Janice  
Wells, Peter, Sr.

Alukonis, David  
Barry, Janet  
Burke, M. Virginia  
Daniels, Gary  
Dokmo, Cynthia  
Feng, David  
Gibson, John  
Herman, Keith  
Holt, Mark  
Krochmal, Mark  
Letendre, Evelyn  
McCarty, Winston  
Milligan, Robert  
O'Hearn, Jane  
Sallada, Roland  
Sullens, Joan  
Wheeler, Robert

Amidon, Eleanor  
Belvin, William  
Calawa, Leon, Jr.  
Desmarais, Vivian  
Durham, Susan  
Ferguson, Charles  
Goulet, Maurice  
Holden, Carol  
Hunter, Bruce  
Kurk, Neal  
Lozeau, Donnalee  
McMahon, Donald  
Mittelman, David  
Packard, Bonnie  
Searles, Stanley, Sr.  
Taylor, Paul

Andrews, Frederick  
Boutin, David  
Chabot, Robert  
Desrosiers, William  
Dyer, Merton  
Fields, Dennis  
Hallyburton, Margaret  
Holley, Sylvia  
Jean, Loren  
L'Heureux, Robert  
Luebker, Bernard  
Mercer, Robert  
Moncrief, Keith  
Pappas, Marc  
Showerman, Peter  
Thulander, O. Alan

**MERRIMACK**

Barberia, Richard	Brown, Mary	Buessing, Marjorie	Chandler, Earle
Chandler, John	Feuerstein, Martin	Hess, David	Holmes, Mary
Kennedy, Richard	Little, Michael	Lockwood, Robert	MacKay, James
Morrill, Olive	Nichols, Avis	Patenaude, Amy	Plaff, Terence
Pitman, Mary Ellen	Weeks, John, Jr.	Whalley, Michael	Willis, Jack

**ROCKINGHAM**

Arndt, Janet	Attar, Kevin	Beaulieu, Jon	Boucher, William
Carson, Gregory	Case, Margaret	Clark, Vivian	Conroy, Janet
Cote, Patricia	Crossman, Harold, Jr.	Dodge, Robert	Dowd, Sandra
Dowling, Patricia	Dube, LeRoy	Dunham, Vivian	Felch, Charles, Sr.
Fesh, Robert	Flanders, John, Sr.	Gage, Beverly	Gargiulo, Louis
Gleason, John	Goddard, Warren	Hawkins, Robert	Hurst, Sharleene
Hutchinson, Karen	Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.
Kobel, Rudolph	Kruse, Fred	Langley, Jane	Lee, Rebecca
Lovejoy, Marian	Lupien, James	Malcolm, Ken	McCarthy, John, Jr.
McKinney, Betsy	Nowe, Ronald	Packard, Sherman	Pratt, Katharin
Putnam, Ed, II	Raynowska, Bernard	Richards, David	Ross, James
Rubin, George	Sabella, Norma	Senter, Merilyn	Smith, Arthur
Stone, Joseph	Stritch, C. Donald	Sytek, Donna	Sytek, John
Tufts, J. Arthur	Weare, Everett	Welch, David	Weyler, Kenneth
Yennaco, Carol			

**STRAFFORD**

Douglass, Clyde	Dunlap, Patricia	Knowles, William	McKinley, Robert
Musler, George	Spear, Barbara	Torr, Ann	Torr, Franklin
Wasson, Richard			

**SULLIVAN**

Adler, Rudolf	Behrens, Thomas	Flint, Gordon	Krueger, Richard
Lindblade, Eric	Peyron, Fredrik	Schotanus, Merle	Scott, Robert

**NAYS 133****BELKNAP**

Holbrook, Robert	Smith, Linda
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**CARROLL**

Mock, Henry

**CHESHIRE**

Champagne, Richard	DePecol, Benjamin	Delano, Robert	Doucette, Richard
Kingsbury, H. Thayer	Lynch, Margaret	Manning, Joseph	McGuirk, Paul
Pratt, Irene	Richardson, Barbara	Riley, William	Robertson, Timothy
Russell, Ronald	Wollner, Robert		

**COOS**

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Hawkinson, Marie
Mears, Edgar			

**GRAFTON**

Below, Clifton	Brown, Alson	Cobbin, Philip	Copenhaver, Marion
Crory, Elizabeth	Guest, Robert	LaMott, Paul	Lovett, Sidney
Nordgren, Sharon	Phinney, William		

**HILLSBOROUGH**

Ahern, Richard	Allen, W. Gordon	Asselin, Robert	Baroody, Benjamin
Bergeron, Normand	Buckley, Raymond	Cepaitis, Elizabeth	Clegg, Robert, Jr.



Cote, David  
Fenton, James  
Hart, Nick  
Kane, Laura  
Lefebvre, Roland  
O'Rourke, Joanne  
Soucy, Donna  
Wheeler, Craig

Cote, Peter  
Foster, Linda  
Hussey, Mary  
Kirby, Thomas  
Marcinkowski, Michael  
Pepino, Leo  
Soucy, Richard  
White, Donald

Drabinowicz, A. Theresa  
Haettenschwiller, Alphonse  
Jean, Claudette  
LaRose, Richard  
Martin, Mary  
Peters, Stanley  
Toomey, Kathryn  
White, John

Dwyer, Paul, Sr.  
Hall, Betty  
Johnson, Lionel  
Laughlin, J. Francis  
McCarthy, William  
Reidy, Frank  
Turgeon, Roland  
Wright, George

### MERRIMACK

Adams, Stephen  
Daneault, Gabriel  
Lamach, Bernard  
Owen, Derek  
Wallner, Mary Jane

Chandler, Charles  
Dunn, Miriam  
Langer, Ray  
Rogers, Katherine  
Warner, Richard

Coughlin, Anne  
Fraser, Marilyn  
Moore, Carol  
Shaw, Randall  
Whittemore, James

Crosby, Toni  
Jacobson, Alf  
Newland, Matthew  
Trombly, Rick  
Yeaton, Charles

### ROCKINGHAM

Abbott, Dennis  
Flanagan, Natalie  
Kane, Cecelia  
Noyes, Richard

Camm, Kevin  
Flanders, David  
McGovern, Cynthia  
Pantelakos, Laura

Clark, Martha  
Gorman, Donald  
Moore, Benjamin  
Syracusa, Anthony

Coes, Betsy  
Johnson, Robert  
Morris, Debbie  
Vaughn, Charles

### STRAFFORD

Berube, Roger  
DeChane, Marlene  
Hilliard, Dana  
McCann, William, Jr.  
Snyder, Clair  
Vincent, Francis

Brown, George  
Grassie, Anne  
Keans, Sandra  
Merrill, Amanda  
Sullivan, Henry  
Wall, Janet

Callaghan, Frank  
Hambrick, Patricia  
Loder, Suzanne  
Merritt, Deborah  
Tessimond, Shane  
Williams, Howard

Chagnon, Ronald  
Hemon, Roland  
Lundborn, Raymond  
Pelletier, Arthur  
Torr, Ralph

### SULLIVAN

Cloutier, John

Stettenheim, Sandy

and lacking the necessary two-thirds, the motion failed.

### SUSPENSION OF RULES

Reps. Ann Torr and Buckley moved that the Rules be so far suspended as to permit consideration, beyond the deadline and without the proper notice of **HB 658**, to legalize the 1995 annual town meetings for Bartlett and Gilmanton, and to legalize the 1995 Barrington school district annual meeting.

Adopted by the necessary two-thirds.

**HB 658**, to legalize the 1995 annual town meetings for Bartlett and Gilmanton, and to legalize the 1995 Barrington school district annual meeting. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas A. Behrens for Municipal and County Government: In a joint House and Senate hearing the Committee heard compelling testimony to approve and legalize the meetings of Gilmanton and Bartlett. The Committee was not comfortable approving the Barrington School Board meeting as we did not have adequate information or testimony. Vote 15-0.

#### Amendment (2817L)

Amend the title of the bill by replacing it with the following:

#### AN ACT

to legalize the 1995 annual town meetings for Bartlett and Gilmanton.

Amend the bill by deleting section 3 and renumbering the original section 4 to read as 3.

### AMENDED ANALYSIS

This bill legalizes the 1995 annual town meetings for Bartlett and Gilmanton.

Rep. Behrens spoke in favor.

Adopted.

Report adopted.

### **SUSPENSION OF RULES**

Reps. Ann Torr and Buckley moved that the Rules be so far suspended as to permit third reading and final passage at the present time of **HB 658**, to legalize the 1995 annual town meetings for Bartlett and Gilmanton.

Adopted by the necessary two-thirds.

### **Third reading and final passage**

**HB 658**, to legalize the 1995 annual town meetings for Bartlett and Gilmanton.

## **COMMITTEE OF CONFERENCE REPORTS**

### **CONSENT CALENDAR**

Rep. Ann Torr moved that the Committee of Conference Report Consent Calendar, with the relevant amendments, as printed and distributed, be adopted.

Committee of Conference Report Consent Calendar adopted.

### **COMMITTEE OF CONFERENCE REPORT ON SB 19**

The committee of conference to which was referred Senate Bill 19, An Act regulating persons who sell agricultural, industrial, forest and related equipment having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Roberge, Dist 9; Danaïs, Dist. 20 and Blaisdell, Dist. 10

Conferees: Reps. Bonnie Packard, Hills 19; Hill, Graf 1; Belanger, Rock 26 and Syracusa, Rock 33.

### **COMMITTEE OF CONFERENCE REPORT HOUSE BILL**

**HB 369-A**, establishing a committee to study the feasibility of leasing the Mount Sunapee and Cannon Mountain ski areas. (Report printed SJ 22, 5/23/95)

## **COMMITTEE OF CONFERENCE REPORT**

### **REGULAR CALENDAR**

**HB 502-FN**, amending the fiscal note law. (Report printed SJ 22, 5/23/95)

Adopted.

### **SUSPENSION OF RULES**

Reps. Ann Torr and Buckley move that the Rules be so far suspended as to permit consideration of Committee of Conference Reports without the proper notice.

Adopted by the necessary two-thirds.

### **COMMITTEE OF CONFERENCE REPORT ON SB 12**

The committee of conference to which was referred Senate Bill 12, An Act relative to the committee studying long-term care for the elderly having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend section 1 of the bill by deleting paragraphs XVII and XVIII.

Conferees: Sens. Wheeler, Dist 11; Barnes, Dist 17 and John King, Dist 18.

Conferees: Reps. Amidon, Hills 9; Ziegler, Belk 5; Sargent, Hills 3 and Haettenschwiler, Hills 29.

Adopted.

### **COMMITTEE OF CONFERENCE REPORT ON SB 82**

The committee of conference to which was referred Senate Bill 82, An Act relative to appointments to state boards and commissions having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Stawasz, Dist 12; Rodeschin, Dist 8 and John King, Dist 18.

Conferees: John Sytek, Rock 26; Dyer, Hills 8; Langer, Merr 11 and Stettenheim, Sull 1.

Adopted.

## SENATE MESSAGES

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 125**, clarifying definitions in the wiretapping and eavesdropping statutes. (Amendment printed SJ 22, 5/23/95)

Rep. Donna Sytek moved that the House concur.

Adopted.

**HB 358**, relative to surplus campaign contributions and reporting by political committees. (Amendment printed SJ 22, 5/23/95)

Rep. Flanagan moved that the House concur.

Adopted.

**HB 387**, relative to the rulemaking authority of commissioners of state departments. (Amendment printed SJ 22, 5/23/95)

Rep. Mercer moved that the House concur.

Adopted.

**HB 539-FN**, making certain changes to the legacy and succession tax. (Amendment printed SJ 22, 5/23/95)

Rep. Channing Brown moved that the House concur.

Adopted.

**HB 598-FN**, relative to the healthy kids act. (Amendment printed SJ 22, 5/23/95)

Rep. Holmes moved that the House concur.

Adopted.

## CONCURRENCE

**HB 418**, permitting a law enforcement officer to video and audio record certain communications after providing notification.

**HJR 5**, urging the Base Closure and Realignment Commission to remove the Portsmouth Naval Shipyard from the Base Closure List and proclaiming June 3, 1995, as Portsmouth Naval Shipyard Day.

### CONCURRENCE WITH AMENDMENTS

**SB 9-FN-L**, relative to charter schools and open enrollment.

**SB 20**, establishing a temporary moratorium on new off-premise advertising devices and establishing an off-premise advertising device and vegetation maintenance study committee.

**SB 21**, relative to extending involuntary admissions and guardianships.

**SB 27**, relative to lead poisoning prevention and control.

**SB 35**, relative to the conversion of mutual insurers.

**SB 52**, relative to condominium associations.

**SB 63**, relative to the definition of fiduciary.

**SB 75**, responding to the passage of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 and relative to the authority of the banking commissioner to supervise and examine bank holding companies.

**SB 91-FN**, authorizing an entrance fee to the Seacoast Science Center at Odiorne Point state park in Rye, New Hampshire.

**SB 111**, designating segments of the Exeter River for the rivers management and protection program and requiring municipal officials to notify interested parties of proposed actions within designated rivers.

**SB 131-FN-A**, relative to taxes paid on simulcast greyhound racing.

**SB 132-FN-L**, providing that counties may request a hearing relative to the validity or cost of court-ordered evaluation, care, or treatment services for children for which the county is liable.

**SB 139-FN**, relative to a life and health insurance guaranty association.

**SB 149-FN-L**, relative to disability benefits and retirement system membership.

**SB 158-FN**, requiring a waiting period for applicants for public assistance who terminate their employment voluntarily without a good cause.

**SB 163-FN-L**, allowing an employee of the town of Bristol to buy back time in the New Hampshire retirement system.

### **RE-REFERRED**

**HB 283**, relative to the application of state banking laws, relative to loan loss reserves, and repealing provisions regarding guaranty funds for savings banks and building and loan associations.

### **NONCONCURRENCE**

**HB 402**, establishing a committee to study issues related to retail wheeling and electric utility industry restructuring.

### **REFUSES TO ACCEDE**

**HB 431**, relative to the bank commissioner's supervision of New Hampshire bank holding companies and out-of-state bank holding companies doing business in New Hampshire.

### **SUSPENSION OF RULES**

Reps. Ann Torr and Buckley moved that the Rules be so far suspended as to permit the deadline for filing of Committee of Conference Reports to be extended to 5:00 p.m. on May 31, 1995. Adopted by the necessary two-thirds.

### **RESOLUTION**

Rep. Ann Torr offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Resolution numbered 29, shall be by this resolution read a first and second time by the therein listed title.

Adopted.

### **INTRODUCTION OF HR**

#### **First, second reading**

**HR 29**, urging New Hampshire to establish a day to celebrate our lakes and ponds, to be known as "Celebrate Your Lakes Day." (Ziegler, Belk 5)

### **HOUSE RESOLUTION NO. 29**

urging New Hampshire to establish a day to celebrate  
our lakes and ponds, to be known as "Celebrate Your Lakes Day."

Whereas, the 800 lakes and great ponds of New Hampshire are a significant natural resource which sparkle across the state's landscape; and

Whereas, the residents of and visitors to New Hampshire seek out and enjoy these lakes for the recreational opportunities and numerous other amenities they provide; and

Whereas, maintaining the exceptional water quality of our lakes is essential as they are a major economic asset to the state; now, therefore, be it,

Resolved by the House of Representatives:

That the state of New Hampshire should set aside at least one day this year to acknowledge its lakes and ponds, to be known as "Celebrate Your Lakes Day;" and

That this event should take place on Saturday, August 12, 1995, on the Lake Winnepesaukee waterfront in the town of Meredith.

Adopted.

### **ENROLLED BILLS AMENDMENTS**

**HB 139**, requiring a study of certain phosphate levels in the no-wake zone on Big Squam Lake and Little Squam Lake.

#### **Amendment (2798L)**

Amend paragraph I of section 1 of the bill by replacing line 5 with the following:

2-year period commencing on the effective date of this section. The limnology

Amend paragraph II of section 1 of the bill by replacing line 1 with the following:

II. Two years after the effective date of this section the limnology

Amend paragraph III of section 1 of the bill by replacing line 3 with the following:  
years after the effective date of this section.

Amend section 2 of the bill by replacing line 9 with the following:

(2) Be a no-wake zone, within which travel by powerboats

Adopted.

**HB 545-FN**, relative to child support collection and related rulemaking authority of the director of human services and making an appropriation therefore.

#### Amendment (2808L)

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 8:

7 Contingent Renumbering. If HB 551-FN-LOCAL becomes law, RSA 161-B:2, VI-a, as inserted by section 2 of the bill, shall be renumbered to RSA 161-B:2, XIII-a.

Adopted.

**HB 623**, expanding the membership of the state conservation committee and correcting obsolete references.

#### Amendment (2746L)

Amend the bill by replacing section 1 with the following:

1 State Conservation Committee. Amend RSA 432:10 to read as follows:

432:10 State Conservation Committee. There is hereby established to serve as an agency of the state a conservation committee, which shall consist of [11] **12** members: the director of the university of New Hampshire cooperative extension, *or designee*; the director of the state agricultural experiment station, *or designee*; the state commissioner of agriculture, markets, and food, *or designee*; the commissioner of the department of resources and economic development, *or designee*; the commissioner of the department of environmental services, *or designee*[.]; *the executive director of the department of fish and game, or designee*; the executive director of the New Hampshire Association of Conservation Commissions[.]; and 5 appointed members, all of whom shall be district supervisors or former district supervisors who shall be from counties as follows: one from Coos or Grafton; one from Belknap or Carroll; one from Cheshire or Sullivan; one from Hillsborough or Merrimack; one from Rockingham or Strafford. The supervisor or former supervisor members shall be appointed by the governor with the advice and consent of the council to serve 4 years respectively from August 1 and until their successors are appointed and qualified; provided, however, that of the first appointments made under this section, 2 members shall be appointed to serve for a term of 2 years and the other 3 members shall be appointed for a term of 4 years. Advisory committee members shall serve without vote and shall include the state conservationist, [soil] *Natural Resources* Conservation Service, United States Department of Agriculture and others appointed by the state conservation committee as deemed appropriate. Vacancies shall be filled for unexpired terms. The committee shall elect its own chairperson from one of the 5 appointees. The members of the committee shall serve without compensation, but the appointees shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of their duties. It may adopt rules, pursuant to RSA 541-A, necessary for the execution of its functions *under this subdivision* and shall keep a record of its official actions. Within the limits of the appropriation it may employ such employees as it requires and fix their compensation subject to the rules of the division of personnel.

Adopted.

**SB 21**, relative to extending involuntary admissions and guardianships. (Amendment printed SJ 23, 5/31/95)

Adopted.

**SB 35**, relative to the conversion of mutual insurers. (Amendment printed SJ 23, 5/31/95)

Adopted.

## ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 440 and HJR 5.

Rep. Tufts for the Committee

## SUSPENSION OF RULES

Reps. Ann Torr and Trombly moved that the Rules be so far suspended as to permit consideration beyond the deadline of the Committee of Conference Reports and submission to the Governor on **HB 1-A**, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1996, and June 30, 1997, **HB 2-FN**, relative to state fees, funds, revenues and expenditures and, **HB 25-A**, making appropriations for capital improvements and establishing a committee to oversee and set priorities for certain appropriations.

Adopted by the necessary two-thirds.

## REMARKS

United States Congressman Charles Bass addressed the House.

## UNANIMOUS CONSENT

Rep. Rosen addressed the House.

## RECESS

(Speaker Burns in the Chair)

## COMMITTEE OF CONFERENCE REPORT ON SB 31

The committee of conference to which was referred Senate Bill 31, An Act relative to participation in the National Association of Insurance Commissioners' insurance regulatory information system having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Danaï, Dist 20; Fraser, Dist 4 and Shaheen, Dist 21.

Conferees: Reps. Krueger, Sull 9; Gage, Rock 26; Henderson, Rock 20 and Newland, Merr 15.

Adopted.

## COMMITTEE OF CONFERENCE REPORT ON SB 67

The committee of conference to which was referred Senate Bill 67, An Act relative to the recording of plats and relative to the power to review site plans having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 676:18, II as inserted by section 4 of the bill by replacing it with the following:

II. Notwithstanding the provisions of paragraph I, the register of deeds shall accept for recording a plat prepared and certified by a licensed land surveyor *or by a former registered land surveyor* if such plat bears a certificate by a licensed *or registered* land surveyor that [the property lines shown are the lines dividing existing ownerships] *this survey plat is not a subdivision pursuant to this title* and that the lines of streets and ways shown are those of public or private streets or ways already established and that no new [lines for division of existing ownership or for new] ways are shown. The recording of any such plat shall not relieve any owner from compliance with the provisions of this chapter.

Conferees: Sens. Barnes, Dist 17; Stawasz, Dist 12 and Larsen, Dist 15.

Conferees: Reps. Cepaitis, Hills 33; Fesh, Rock 13; Rice, Belk 7 and Linda Foster, Hills 10.

Adopted.

## COMMITTEE OF CONFERENCE REPORT ON SB 116

The committee of conference to which was referred Senate Bill 116-FN-LOCAL, An Act standardizing and streamlining the application and appeal procedures for property tax relief having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the introductory paragraph of RSA 72:1-d, I as inserted by section 2 of the bill by replacing it with the following:

I. "Date of the final tax bill" means:

Amend RSA 72:1-d, II as inserted by section 2 of the bill by replacing it with the following:

II. "Date of notice of tax" means the date the board of tax and land appeals determines to be the last mailing date of the final tax bill for which relief is sought.

Amend the introductory paragraph of RSA 72:33, I as inserted by section 3 of the bill by replacing it with the following:

I. No person shall be entitled to the exemptions, *deferrals* or tax credits provided by RSA 72:28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 37-b, *38-a*, 39, 43-b, 43-f, 43-h, 62, 66, and 70 unless [he shall have] *the person has* filed with the selectmen or assessors, [on or before April 15 of some year] *by March 1 following the date of notice of tax under RSA 72:1-d*, a permanent application therefor, signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration, showing that the applicant [is duly qualified and] is the true and lawful owner of the property on which the exemption, *deferral* or tax credit is claimed *and that the applicant was duly qualified upon April 1 of the year in which the exemption, deferral or tax credit is first claimed, or, in the case of financial qualifications, that the applicant is duly qualified at the time of application. The form shall include the following and such other information deemed necessary by the commissioner:*

Amend RSA 72:34, IV as inserted by section 4 of the bill by replacing it with the following:

*IV. On or before July 1 following the date of notice of tax under RSA 72:1-d, the selectmen or assessor shall send by first class mail a written decision to any taxpayer who timely requests an exemption, deferral or tax credit. This decision shall be sent on a form to be prepared by the department of revenue administration. The decision shall advise the taxpayer of the municipality's decision and shall inform the taxpayer of the appeal procedure set forth in RSA 72:34-a. Failure to respond shall constitute denial. Municipalities may, at their option, require the taxpayer to furnish a self-addressed envelope with sufficient postage for the mailing of this written decision.*

Amend RSA 72:34-a as inserted by section 5 of the bill by replacing it with the following:

72:34-a Appeal From Refusal to Grant Exemption, Deferral or Tax Credit. Whenever the selectmen or assessors refuse to grant an applicant an exemption, deferral or tax credit to which [he] *the applicant* may be entitled under the provisions of RSA 72:23, 23-d, 23-e, 23-f, 23-g, 23-h, 23-i, 23-j, 23-k, 28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 37-b, *38-a*, 39, 40, 41, 42, 43-b, 43-f, 43-h, 62, 66, or 70 [said] *the applicant* may appeal in writing [within 6 months of notice of the final tax bill], *on or before September 1 following the date of notice of tax under RSA 72:1-d*, to the board of tax and land appeals *or the superior court*, which may order an exemption, *deferral* or tax credit, or an abatement if a tax has been assessed. ["Notice of the final tax bill" means the date the board of tax and land appeals determines to be the last date of mailing of the final tax bill by the taxing district.]

Amend RSA 76:1-a as inserted by section 13 of the bill by replacing it with the following:

76:1-a Definitions. In this chapter:

I. "Date of the final tax bill" means:

(a) In towns that bill annually, the date the town mails the tax bills to the taxpayers;

(b) In towns that bill semiannually, pursuant to RSA 76:15-a, the date the town mails the second tax bill to the taxpayers; and

(c) In towns operating with an optional fiscal year, pursuant to RSA 31:94-a or a special legislative act, the date the town mails the first tax bill to the taxpayers, provided that first tax bill establishes the total tax liability for the tax year and the bill includes notice that abatements must be sought from the first bill.

II. "Date of notice of tax," except for abatement requests and appeals under RSA 79-A:10, means the date the board of tax and land appeals determines to be the last mailing date of the final tax bill for which relief is sought.

III. "Date of notice of tax" for abatement requests and appeals under RSA 79-A:10 for the abatement of the land-use-change tax means the date the taxing district mails the land-use-change tax bill to the taxpayer.

Amend RSA 76:13-b, I as inserted by section 15 of the bill by replacing it with the following:

1. Interest on tax deferrals for the elderly and disabled granted pursuant to RSA 72:38-a will accrue at 5 percent beginning 30 days after the date of the final tax bill.

Amend RSA 76:16, I as inserted by section 16 of the bill by replacing it with the following:

1. Selectmen or assessors, for good cause shown, may abate any tax assessed by them or by their predecessors, including any portion of interest accrued on such tax. Any person aggrieved by the assessment of a tax and who has complied with the requirements of RSA 74, may, [within 2 months after notice of the tax] **by March 1, following the date of notice of tax under RSA 76:1-a**, and not afterwards, apply in writing on the form set out in paragraph III to the selectmen or assessors for an abatement of the tax. ["Notice of the tax" means the date the board of tax and land appeals determines to be the last date of mailing of the final tax bill by the taxing district.] The municipality may charge the taxpayer a fee to cover the costs of the form required by paragraph III.

Amend the bill by replacing sections 17-19 with the following:

17 Uniform Appeal Procedure to Board of Tax and Land Appeals. Amend RSA 76:16-a, I to read as follows:

1. [After] **If** the selectmen neglect or refuse to so abate, in accordance with RSA 76:16, any person aggrieved, having complied with the requirements of RSA 74, upon payment of a \$65 filing fee, may apply in writing to the board of tax and land appeals. The appeal shall be filed [within 8 months after notice of the tax] **on or before September 1 after the date of notice of tax under RSA 76:1-a**, and not afterwards, unless the municipality has an additional 2 months to respond to the appeal as provided in RSA 76:16, II, in which case the appeal shall be filed [within 10 months after notice of the tax] **by November 1 following the date of notice of tax under RSA 76:1-a**. The board, after inquiry and investigation, shall hold a hearing if requested as provided in this section and shall make such order thereon as justice requires; and such order shall be enforceable as provided hereafter. ["Notice of the tax" means the date the board of tax and land appeals determines to be the last date of mailing of the final tax bill by the taxing district.] **If the appeal is filed before July 1** the person aggrieved shall state in [its] **the** appeal to the board [either] the date of the municipality's decision on the RSA 76:16 application[, or that 6 months has passed since the notice of the tax and that the municipality failed to issue a decision in accordance with RSA 76:16].

18 New Section; Extensions of Applications. Amend RSA 76 by inserting after section 16-c the following new section:

76:16-d Extensions of Application, Reply and Appeal Deadlines.

I. Two months shall be added to the deadlines in RSA 72:34, IV and RSA 72:34-a in the effective year of a property revaluation for towns having 9,000 or more parcels.

II. In towns with dates of notice of tax, as defined in RSA 72:1-d and RSA 76:1-a, after December 31, the uniform deadlines in exemption, deferral, and taxation applications, replies and appeals statutes, including RSA 72:33, 34, 34-a, 38-a, RSA 76:16, 16-a, 17 and RSA 79-A:10, shall be as follows:

(a) Taxpayer's initial application for exemption, deferral, or abatement within 2 months of the date of notice of tax.

(b) Town's response to the application within 6 months of the date of notice of tax.

(c) Taxpayer's appeal within 8 months of the date of notice of tax.

19 Uniform Appeals Procedure to Superior Court. Amend RSA 76:17 to read as follows:

76:17 By Court. [After] **If** the selectmen neglect or refuse so to abate, any person aggrieved, having complied with the requirements of RSA 74, may, in lieu of appealing pursuant to RSA 76:16-a, apply by petition to the superior court in the county, which shall make such order thereon as justice requires. The appeal shall be filed [within 8 months after "notice of the tax,"] **on or before September 1 following the date of notice of tax under RSA 76:1-a**, and not afterwards, unless the municipality has an additional 2 months to respond to the appeal as provided in RSA 76:16, II, in which case the appeal shall be filed [within 10 months after notice of the tax] **by November 1 following the date of notice of tax under RSA 76:1-a**. ["Notice of the tax" means



the date the board of tax and land appeals determines to be the last date of mailing of the final tax bill by the taxing district.] *If the appeal is filed before July 1 following the date of notice of tax, the person aggrieved shall state in the appeal to the court the date of the municipality's decision on the RSA 76:16 application.*

Conferees: Sens. Colantuono, Dist 14; Gordon, Dist 2 and Barnes, Dist 17.

Conferees: Reps. Behrens, Sull 2; Metzger, Ches 13; Noyes, Rock 26 and Linda Foster, Hills 10.  
Adopted.

## COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS

**HB 542**, permitting nonattorneys to represent taxpayers in certain appeals before municipalities and the board of tax and land appeals. (Report printed SJ 23, 5/31/95)

Adopted.

**HB 618**, requiring the department of safety to keep drivers' records confidential except for certain reasons. (Report printed SJ 23 5/31/95)

Adopted.

## SENATE MESSAGE

### REQUESTS CONCURRENCE WITH AMENDMENT

**HB 658**, to legalize the 1995 annual town meetings for Bartlett and Gilmanton. (Amendment printed SJ 23, 5/31/95)

Rep. Metzger moved that the House concur.

Adopted.

## RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, June 6, 1995 at 10:00 a.m.

Adopted.

## LATE SESSION

### Third reading and final passage

**HR 29**, urging New Hampshire to establish a day to celebrate our lakes and ponds, to be known as "Celebrate Your Lakes Day."

Rep. Ann Torr moved that the House stand in recess for the purpose of enrolling reports and forming Committees of Conference only.

Adopted.

The House recessed at 3:35 p.m.

## RECESS

(Rep. David Cote in the Chair)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 56, 295, 362, 414, 436, 449, 516, 534, 573 and 604 and Senate Bills numbered 27, 56, 111, 132 and 160.

Rep. Buckley for the Committee

Rep. Cole moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 24**

Tuesday, June 6, 1995

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Father Agapit H. Jean, Jr.

Almighty and eternal God, You know the longings of the human heart and You protect their rights. In Your goodness, watch over these elected representatives of the people of this great state of New Hampshire. As these men and women work for the citizens of this state, grant them the wisdom and courage to rule with justice, that all people might enjoy freedom, security and peace. Many issues and concerns come before this body, grant that the needs and dignity of all people be served in and through the decisions reached by this body. May this House of Representatives always protect the rights and dignity of all people. Accept the prayers we offer for our state and our nation, by the wisdom of our leaders and the integrity of our citizens, may harmony and justice be secured and may there be lasting prosperity and peace. We remember especially the family of Representative Jane Kelley who lost her son recently. We remember all those who have died protecting the rights and freedoms of us as Americans throughout our history. We present these prayers to a loving and merciful God that guides everything in wisdom and love. Amen.

Rep. Thomas led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Aksten, Aranda, Battles, Julie Brown, Healy, Robert Foster, Nehring, O'Rourke, Peters, Pitman and Robertson, the day, illness.

Reps. Allen, Behrens, Chagnon, John Chandler, Clemons, Crowell, Dowd, Mark Holt, Laura Kane, Kenney, Lee, Little, Loder, MacIntyre, McCann, McNamara, Carol Moore, Pantelakos, Katharin Pratt, Reynolds, Richards, St. Hilaire, Snyder, Ralph Torr, Vaughn, Warner, Weeks, Whalley and Whipple, the day, important business.

Rep. Jane Kelley, the day, death in the family.

Rep. Charles Cote, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Ruth and Jim Hayden, Leigh Chamberlain, Rachael and Patti Catano, Anna Pape and Christian and Darlene Thorne, guests of Rep. Hanlon. Ronald Prevost, brother of Rep. Lefebvre.

**SPECIAL GUESTS**

Members of the Odyssey of the Mind World Championship Team from the Hood Junior High School in Derry, guests of the Derry Delegation.

The Derry Delegation offered the following:

**HOUSE RESOLUTION NO. 30**

applauding the Odyssey of the Mind World Championship Team  
from the Hood Junior High School in Derry

WHEREAS, the Odyssey of the Mind international competition was designed to develop creative problem-solving skills in students from elementary school on up through college, and

WHEREAS, competing in Division II, the team of six students representing the 6th, 7th and 8th grades from the Hood Junior High School in Derry did select the Classics Problem and was required to develop a three-act vaudeville show complete with props and costumes for less than \$80, and

WHEREAS, throughout the academic year, the team from Hood Junior High School won several competitions, and then on April 8, 1995 did defeat 20 teams to win the New Hampshire State Championship, and

WHEREAS, in Knoxville, Tennessee, on May 27, 1995, the team from the Hood Junior High School in Derry did compete against 62 Division II international teams and did win the World Championship, and

WHEREAS, the team is comprised of students Lindsey Bulkley, Meredith Bulkley, Jamie Saucier, Jenn Saucier, Jill Tremblay and Betsy Walters, and the team is coached by Debbie Bulkley and Leslie Saucier, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the team from the Hood Junior High School in Derry be congratulated and lauded for its outstanding achievement in winning the World Championship, and be it further

RESOLVED, that the students, teachers and administrators of the Hood Junior High School in Derry be saluted for supporting the Odyssey of the Mind program, and that a suitable copy of this Resolution be prepared for presentation to the school.

Unanimously adopted.

### **PRESENTATION OF LEGISLATIVE BRANCH EMPLOYEE SERVICE AWARDS**

Awards were presented to employees with 10 or more years of service: Lily Carson, Cathy Provencher, Bob VanHouten, Scott Eaton, Leonard Russell, Ann Fitzgerald, Leo Callahan, Sharon Ayers, Kay Culberson, Jill Sieveking, Kay Cushman, Arlene Burns, Laurie Cheney, Beth Emery and Peter Adams.

### **SPECIAL ORDER**

Reps. Ann Torr and Trombly moved that **SB 174**, allowing the city of Manchester to establish and operate a civic center and establishing a civic center commission, be made a Special Order following the lunch recess.

Adopted.

### **CONSENT CALENDAR**

#### **COMMITTEE OF CONFERENCE REPORTS ON SENATE BILLS**

Rep. Ann Torr moved that the Consent Calendar Committee of Conference Reports on Senate Bills, with the relevant amendments as printed and distributed, be adopted.

Adopted.

#### **COMMITTEE OF CONFERENCE REPORT ON SB 57**

The committee of conference to which was referred Senate Bill 57-FN, An Act requiring the department of resources and economic development, the office of state planning, Pease development authority, and the business finance authority to make annual reports on their economic development programs having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend paragraph II of section 5 of the bill by replacing it with the following:

II. The committee shall consist of the following members:

(a) Five house members, 3 members from the house commerce, small business, consumer affairs and economic development committee, one member from the house finance committee and one member representing Portsmouth, appointed by the speaker of the house.

(b) Five senators, 3 senators from the senate economic development committee, one senator from the senate finance committee and one senator from the district where the Pease development authority is located, appointed by the senate president.

Conferees: Sens. Johnson, Dist 3; F. King, Dist 1 and Shaheen, Dist 21.

Conferees: Reps. Bonnie Packard, Hills 19; Gage, Rock 26; Henderson, Rock 20 and Syracuse, Rock 33.

#### **COMMITTEE OF CONFERENCE REPORT ON SB 118**

The committee of conference to which was referred Senate Bill 118-FN, An Act relative to state contracts and the competitive bidding process having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Purchases and Quotes. Amend RSA 21-I by inserting after section 22 the following new subdivision:

#### Purchases and Quotes

21-I:22-a Request for Purchases and Request for Quotes. Notwithstanding the provisions of RSA 21-I:18, every request for purchases (RFP), request for quotes (RFQ) or other procurement which is greater than \$35,000 that is undertaken by the state or by a state agency as defined in RSA 21-I:11, I(b), including those agencies referenced in RSA 21-I:18, shall contain within the body of the document the objective criteria by which each submission will be reviewed, if there are particular requirements that will receive more weight in the review of the submission, and the standards upon which any award will be based.

21-I:22-b Awards. Notwithstanding the provisions of RSA 21-I:18, awards which are made by the state or by a state agency as defined in RSA 21-I:11, I(b), including those agencies referenced in RSA 21-I:18, under this subdivision shall not be made on criteria that are unknown to the parties submitting bids or proposals. Nothing in this subdivision shall prevent the state or a state agency as defined in RSA 21-I:11, I(b), including those agencies referenced in RSA 21-I:18, from making judgments on the capabilities of vendors to complete the work requested if this option is clearly stated in the body of the document and if used as the reason for the award, is so stated.

Conferees: Sens. Rodeschin, Dist 8; Colantuono, Dist 14 and J. King, Dist 18.

Conferees: Reps. John Sytek, Rock 26; Robert Dodge, Rock 4; Cooper, Carr 2 and Howard Williams, Straf 12.

### COMMITTEE OF CONFERENCE REPORT ON SB 146

The committee of conference to which was referred Senate Bill 146-FN-A, An Act relative to court procedures and clarifying that certain payments to guardians ad litem shall be made by the state and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Podles, Dist 16; Cohen, Dist 24 and Lovejoy, Dist 6.

Conferees: Reps. Lockwood, Merr 9; John McCarthy, Rock 24; Streeter, Hills 32 and Wall, Straf 9.

### REGULAR CALENDAR

### COMMITTEE OF CONFERENCE REPORTS ON SENATE BILLS

#### COMMITTEE OF CONFERENCE REPORT ON SB 28

The committee of conference to which was referred Senate Bill 28, An Act relative to the air resources council having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by deleting section 2 and renumbering sections 3-5 to read as 2-4, respectively.

### AMENDED ANALYSIS

This bill increases the membership of the air resources council.

This bill also extends the deadline for the commissioner of the department of environmental

services to submit proposed rules for the emissions reductions credit trading program.

Conferees: Sens. Rodeschin, Dist 8; J. King, Dist 18 and Stawasz, Dist 12.

Conferees: Reps. Jeb Bradley, Carr 8; Guay, Coos 6; MacGillivray, Hills 21 and Grassie, Straf 19.

Adopted.

### **COMMITTEE OF CONFERENCE REPORT ON SB 138**

The committee of conference to which was referred Senate Bill 138-FN-A, An Act relative to the rate of interest on overpayments and delinquencies on taxes administered by the department of revenue administration having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Rodeschin, Dist 8; Stawasz, Dist 12 and Blaisdell, Dist 10.

Conferees: Reps. Nichols, Merr 2; Weyler, Rock 18; Sallada, Hills 4 and Donna Soucy, Hills 42.

Adopted.

### **COMMITTEE OF CONFERENCE REPORT ON SB 150**

The committee of conference to which was referred Senate Bill 150-FN-LOCAL, An Act relative to the definition of earnable compensation for retirement system purposes having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Danais, Dist 20; J. King, Dist 18 and Russman, Dist 19.

Conferees: Reps. Dyer, Hills 8; Steere, Ches 11; Robert Wheeler, Hills 7 and Stettenheim, Sull 1.

Adopted.

### **COMMITTEE OF CONFERENCE REPORT ON SB 151**

The committee of conference to which was referred Senate Bill 151-FN-LOCAL, An Act relative to the management of retirement system funds having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing the amending language in section 2 with the following:

2 Management of Retirement System Funds; 1998. RSA 100-A:15, I is repealed and reenacted to read as follows:

Amend paragraph I of section 3 of the bill by replacing it with the following:

I. Section 2 of this act shall take effect June 30, 1998.

### **AMENDED ANALYSIS**

This bill replaces a version of RSA 100-A:15 which would otherwise take effect on July 1, 1995, relative to the investment of funds by the New Hampshire retirement system board of trustees, so that the current statutory provisions will remain in effect.

The bill also prospectively amend the investment authority of the retirement system board of trustees, effective June 30, 1998.

Conferees: Sens. Danais, Dist 20; J. King, Dist 18 and Fraser, Dist 4.

Conferees: Reps. Dyer, Hills 8; Langer, Merr 11; Robertson, Ches 18 and Channing Brown, Graf 14.

Adopted.

### COMMITTEE OF CONFERENCE REPORT ON SB 156

The committee of conference to which was referred Senate Bill 156-FN-A, An Act establishing a committee to study the issues of lead abatement and relative to certain lead abatement issues having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by deleting sections 6 and 10 and renumbering the original sections 7, 8, 9, and 11 to read as 5-9, respectively.

Amend the bill by replacing paragraph I of section 9 with the following:

I. Section 8 of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a committee to study the issues of lead abatement for property owners. The bill details the security deposit and rental arrears issues when a unit is to be reoccupied after lead abatement.

The bill also extends the prospective repeal on the lead abatement loans.

Conferees: Sens. Wheeler, Dist 11; Lovejoy, Dist 6 and J. King, Dist 18.

Conferees: Reps. Warner, Merr 7; Ziegra, Belk 5; Katharin Pratt, Rock 22 and Haettenschwiller, Hills 29.

Adopted.

### COMMITTEE OF CONFERENCE REPORT ON SB 168

The committee of conference to which was referred Senate Bill 168-FN-A, An Act establishing a task force to examine issues related to retail wheeling and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend subparagraph I(a)(8) as inserted by section 4 of the bill by replacing it with the following:

(8) Regulatory personnel from other states and nations having enacted or contemplating retail wheeling legislation.

Amend subparagraph I(b) as inserted by section 4 of the bill by replacing it with the following:

(b) Retaining an expert consultant, consultants, or services as necessary to assist in gathering, interpreting, and summarizing information for presentation in forms usable to all members of the house and senate and to the citizens of New Hampshire to be selected by members of the committee.

Amend subparagraph I(h) as inserted by section 4 of the bill by deleting subparagraph (11) and renumbering subparagraphs (12)-(15) to read as (11)-(14), respectively.

Amend paragraph II of section 4 of the bill by replacing it with the following:

II. The committee may draw upon the final report and information gathered by the public utilities commission roundtable on competition in the electric industry so as to avoid duplication of effort and resources.

Amend the bill by replacing section 6 with the following:

6 Meetings; Mileage. The first-named senator shall call the first meeting which shall be held within 30 days of the effective date of this section. The members shall elect a chairperson at the first meeting. Members shall receive legislative mileage.

Amend the bill by replacing section 8 with the following:

8 Fund Established. The committee shall establish a fund which shall not exceed \$25,000 to be held by the state treasurer. The fund shall consist of \$25,000 from assessments against the state's electric utilities made by the public utilities commission pursuant to the methodology defined in RSA 363-A:2. The fund shall be used to pay costs incurred pursuant to section 4 of this act.

Amend RSA 378:11-a, as inserted by section 9 of the bill by replacing it with the following:  
 378:11-a Economic Development and Retention Rates. Notwithstanding any other provision of law to the contrary, the commission shall establish procedures for the review and approval of tariffs for electric service rates that foster economic development and of tariffs for retention of existing load within the state. For the purposes of this section the term "economic development rates" means rates, the purpose of which is to attract new industrial companies to the state and to encourage expansion of existing industrial companies that would otherwise not occur in the state. For the purposes of this section "retention rates" means rates, the purpose of which is to retain existing industrial companies that would otherwise leave the state. Such procedures shall provide that all electric public utilities serving retail customers may file with the commission generally available rate schedules for the provision of economic development rates and/or retention rates to industrial customers. Such rates shall take into consideration eligibility criteria, the effect on the utility's fixed and variable costs, the amount of new demand and energy for electric service involved, the effect on employment within the state, material adverse competitive impact on existing in-state firms, and end-user participation in conservation programs and other state established economic development enhancement programs. To ensure fairness in the application of the retention rate to industrial companies that are not planning to leave the state, if the commission finds that it is in the public good, the retention rate may also be offered to a direct competitor of a company that has qualified for such rate. For the purposes of ratemaking, a utility that adopts a retention rate shall not be allowed to recover from other ratepayers the difference between the regular tariffed rate and the retention rate unless and only to the extent that the commission determines that it is in the public interest and equitable to other ratepayers. For the purposes of ratemaking a utility that adopts an economic development rate shall not be allowed to recover from other ratepayers the difference between the regular tariffed rate and the economic development rate, and in any rate proceeding subsequent to approval of economic development rates the commission shall not impute to the utility's revenue requirement the difference between the regular tariffed rate and the economic development rate for those customers who qualify for the economic development rate.

Amend the bill by replacing sections 10-11 with the following:

10 Duration of Economic Development and Retention Rates. The rates established pursuant to RSA 378:11-a shall not be available after December 31, 2002.

11 Establishment of Procedure. The commission shall prepare and establish the procedure set out in RSA 378:11-a no later than 150 calendar days after the effective date of this section.

Amend the bill by replacing all after section 14 with the following:

15 Effective Date Amended. Amend 1995, 29:4 to read as follows:

29:4 Effective Date. This act shall take effect [January 1, 1996] *July 1, 1995*.

16 Effective Date.

I. Section 12 of this act shall take effect January 1, 1996.

II. The remainder of this act shall take effect upon its passage.

Conferees: Sens. Rodeschin, Dist 8; Shaheen, Dist 21 and Rubens, Dist 5.

Conferees: Reps. Jeb Bradley, Carr 8; Guay, Coos 6; Frank Torr, Straf 12 and Below, Graf 13.  
 Adopted.

## CONSENT CALENDAR

### COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS PREVIOUSLY ADOPTED BY THE SENATE

Rep. Ann Torr moved that the Consent Calendar Committee of Conference Reports on House Bills previously adopted by the Senate, with the relevant amendments, as printed and distributed, be adopted.

Adopted.

**HB 143**, relative to transporting loads on highways. (Report printed SJ 23, 5/31/95)

**HB 312**, eliminating the advisory council on literacy and dropout prevention and establishing a committee to study literacy issues, and funding state literacy programs. (Report printed SJ 23, 5/31/95)

**HB 341**, changing the procedure for the release of a security interest in a motor vehicle and establishing a committee to assess the feasibility of a paperless title system for motor vehicles. (Report printed SJ 23, 5/31/95)

**REGULAR CALENDAR**  
**COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS**  
**PREVIOUSLY ADOPTED BY THE SENATE**

**HB 105**, relative to amateur boxing. (Report printed SJ 23, 5/31/95)  
Adopted.

**HB 221**, changing the board membership and relative to administrative fines for violations of RSA 313-A, relative to barbering, cosmetology, and esthetics. (Report printed SJ 23, 5/31/95)  
Adopted.

**HB 333**, relative to election procedures. (Report printed SJ 23, 5/31/95)

Reps. Below and Fuller Clark spoke against.

Reps. Flanagan and Charles Chandler spoke in favor and yielded to questions.

Rep. Jacobson spoke against and yielded to questions.

Rep. Splaine spoke in favor.

On a division vote, 208 members having voted in the affirmative and 107 in the negative, the report was adopted.

**HB 389**, defining compensation for the purposes of determining immunity from liability for directors and officers of nonprofit organizations. (Report printed SJ 23, 5/31/95)  
Adopted.

**HB 630**, recodifying and revising the forestry laws. (Report printed SJ 23, 5/31/95)  
Adopted.

**ENROLLED BILLS AMENDMENTS**

**SB 9-FN-L**, relative to charter schools and open enrollment. (Amendment printed SJ 24, 6/6/95)  
Adopted.

**SB 52**, relative to condominium associations. (Amendment printed SJ 24, 6/6/95)  
Adopted.

**SB 154-FN-L**, relative to the appointment, powers and duties of medical examiners and to the authority of the chief medical examiner. (Amendment printed SJ 24, 6/6/95)  
Adopted.

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 58, 60, 139, 418, 494, 519, 601, 609, 641, 623, 651 and 658 and Senate Bills numbered 19, 20, 21, 35, 63, 81, 86, 131, 158, 162 and 163.

Rep. Tufts, for the Committee

**UNANIMOUS CONSENT**

Rep. Teschner addressed the House.

**RECESS**

**(Speaker Burns in the Chair)**

**SUSPENSION OF RULES**

Reps. Ann Torr and Trombly moved that the Rules be so far suspended as to allow consideration beyond the deadline of **SB 174**, allowing the city of Manchester to establish and operate a civic center and establishing a civic center commission.

**DEBATE LIMITED**

Rep. Gagnon moved that debate be limited to 30 minutes each side, not including questions.  
Adopted.



The question now being the motion to suspend the Rules.  
 Reps. William McCarthy, John White, Laughlin and Gorman spoke against.  
 Reps. Jacobson, Desrosiers, Pepino and Carson spoke in favor.  
 Rep. Donna Soucy spoke in favor and yielded to questions.  
 Rep. Ann Torr requested a roll call; sufficiently seconded.

**YEAS 217 - NAYS 115****YEAS 217****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Cain, Thomas	Holbrook, Robert
Hurt, George	Johnson, James	Lawton, David	Lawton, Robert
Rosen, Ralph	Smith, Linda	Thomas, John	Turner, Robert
Wendelboe, Francine	Ziegler, Alice		

**CARROLL**

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Dickinson, Howard, Jr.	Lyman, L. Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald			

**CHESHIRE**

Avery, Stephen	Burnham, Daniel	Cole, Stacey	Feuer, Joseph
Hunt, John	Manning, Joseph	Metzger, Katherine	Royce, H. Charles
Smith, Edwin	Steere, Myron, III		

**COOS**

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Guay, Lawrence	Horton, Lynn	Pratt, Leighton	

**GRAFTON**

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Channing
Chase, Paul, Jr.	Connolly, Steven	Eaton, Stephanie	Guaraldi, Lawrence
Hill, Richard	LaMott, Paul	Larson, Nils, Jr.	MacNeil, Allen
Mirski, Paul	Scanlan, David	Teschner, Douglass	Trelfa, Richard
Tucker, John	Williams, William, Jr.		

**HILLSBOROUGH**

Aluk s, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Asselin, Robert
Baroody, Benjamin	Barry, Janet	Belvin, William	Boutin, David
Bridgewater, Charles	Brundige, Robert	Buckley, Raymond	Calawa, Leon, Jr.
Cepaitis, Elizabeth	Chabot, Robert	Champagne, Norma	Clegg, Robert, Jr.
Cote, David	Desmarais, Vivian	Desrosiers, William	Dodge, Emma
Durham, Susan	Dyer, Merton	Emerton, Lawrence, Sr.	Feng, David
Fenton, James	Fields, Dennis	Gagnon, Eugene	Gibson, John
Gotham, Rita	Goulet, Maurice	Haettenschwiler, Alphonse	Hallyburton, Margaret
Hart, Nick	Herman, Keith	Holden, Carol	Holley, Sylvia
Hunter, Bruce	Jean, Loren	Kelley, Robert	Krochmal, Mark
Kurk, Neal	L'Heureux, Robert	Lefebvre, Roland	Legacy, Earl
Letendre, Evelyn	Lozeau, Donnalee	Luebker, Bernard	MacGillivray, Jeffrey
McCarty, Winston	McMahon, Donald	Mercer, Robert	Messier, Irene
Milligan, Robert	Mittelman, David	Moncrief, Keith	Morello, Michael
O'Hearn, Jane	Packard, Bonnie	Pappas, Marc	Pepino, Leo
Philbrook, Paula	Sallada, Roland	Showerman, Peter	Soucy, Donna
Streeter, Janice	Sullens, Joan	Thulander, O. Alan	Turgeon, Roland
Wells, Peter, Sr.	Wheeler, Robert	White, Donald	

**MERRIMACK**

Barberia, Richard	Brown, Mary	Buessing, Marjorie	DeStefano, Stephen
Feuerstein, Martin	Hess, David	Holmes, Mary	Jacobson, Alf

Kennedy, Richard  
Morrill, Olive  
Rogers, Katherine  
Willis, Jack

Langer, Ray  
Nichols, Avis  
Shaw, Randall

Lockwood, Robert  
Patenaude, Amy  
Trombly, Rick

MacKay, James  
Pfaff, Terence  
Varsalone, Robert

### ROCKINGHAM

Attar, Kevin  
Carson, Gregory  
Crossman, Harold, Jr.  
Felch, Charles, Sr.  
Gargiulo, Louis  
Hurst, Sharleene  
Katsakiores, Phyllis  
Magoon, Harold  
Raynowska, Bernard  
Senter, Marilyn  
Sytek, Donna  
Welch, David

Beaulieu, Jon  
Case, Margaret  
Dodge, Robert  
Fesh, Robert  
Goddard, Warren  
Hutchinson, Karen  
Klemm, Arthur, Jr.  
McGovern, Cynthia  
Ross, James  
Stone, Joseph  
Sytek, John  
Weyler, Kenneth

Belanger, Ronald  
Conroy, Janet  
Dowling, Patricia  
Flanagan, Natalie  
Hawkins, Robert  
Johnson, Robert  
Langley, Jane  
Noyes, Richard  
Rubin, George  
Stritch, C. Donald  
Tufts, J. Arthur  
Yennaco, Carol

Boucher, William  
Cote, Patricia  
Dunham, Vivian  
Gage, Beverly  
Henderson, Warren  
Katsakiores, George  
Lovejoy, Marian  
Putnam, Ed, II  
Sabella, Norma  
Syracusa, Anthony  
Weare, Everett

### STRAFFORD

Berube, Roger  
Knowles, William  
Spear, Barbara  
Wasson, Richard

Callaghan, Frank  
McKinley, Robert  
Torr, Ann  
Williams, Howard

Dunlap, Patricia  
Merrill, Amanda  
Torr, Franklin

Hanlon, Mark  
Musler, George  
Wall, Janet

### SULLIVAN

Adler, Rudolf  
Schotanus, Merle

Flint, Gordon  
Scott, Robert

Lindblade, Eric

Peyron, Fredrik

### NAYS 115

### BELKNAP

Rice, Thomas, Jr.

### CARROLL

Howard, Godfrey

### CHESHIRE

Champagne, Richard  
Kingsbury, H. Thayer  
Pratt, Irene  
Wolner, Robert

DePecol, Benjamin  
Laurent, John  
Richardson, Barbara

Delano, Robert  
Lynch, Margaret  
Riley, William

Doucette, Richard  
McGuirk, Paul  
Russell, Ronald

### COOS

Hawkinson, Marie

Mayhew, Josephine

Mears, Edgar

### GRAFTON

Brown, Alson  
Guest, Robert

Cobbin, Philip  
Lovett, Sidney

Copenhaver, Marion  
Nordgren, Sharon

Crory, Elizabeth  
Phinney, William

### HILLSBOROUGH

Ahern, Richard  
Cote, Peter  
Ferguson, Charles  
Hansen, Herbert  
Johnson, Lionel  
Marcinkowski, Michael  
Melcher, Harold

Andrews, Frederick  
Dokmo, Cynthia  
Foster, Linda  
Holt, David  
Kirby, Thomas  
Martin, Mary  
Perkins, Paul

Bergeron, Normand  
Drabinowicz, A. Theresa  
Francoeur, Gary  
Hussey, Mary  
LaRose, Richard  
McCarthy, William  
Reidy, Frank

Burke, M. Virginia  
Dwyer, Paul, Sr.  
Hall, Betty  
Jean, Claudette  
Laughlin, J. Francis  
McRae, Karen  
Riley, Frances

Sargent, Maxwell  
Toomey, Kathryn  
Wright, George

Searles, Stanley, Sr.  
Wheeler, Craig

Soucy, Richard  
White, John

Taylor, Paul  
Worthen, Dorothy

### MERRIMACK

Chandler, Charles  
Daneault, Gabriel  
Owen, Derek

Chandler, Earle  
Dunn, Miriam  
Wallner, Mary Jane

Coughlin, Anne  
Lamach, Bernard  
Whittemore, James

Crosby, Toni  
Newland, Matthew  
Yeaton, Charles

### ROCKINGHAM

Abbott, Dennis  
Coes, Betsy  
Flanders, David  
Kane, Cecelia  
McCarthy, John, Jr.  
Nowe, Ronald

Bishop, Franklin  
Cornell, A. Jefferson  
Flanders, John, Sr.  
Kobel, Rudolph  
McKinney, Betsy  
Packard, Sherman

Camm, Kevin  
Dolan, Richard  
Gleason, John  
Kruse, Fred  
Moore, Benjamin  
Scanlon, Edward

Clark, Martha  
Dube, LeRoy  
Gorman, Donald  
Malcolm, Ken  
Morris, Debbie  
Smith, Arthur

### STRAFFORD

Brown, George  
Hemon, Roland  
Pelletier, Arthur

DeChane, Marlene  
Hilliard, Dana  
Sullivan, Henry

Grassie, Anne  
Keans, Sandra  
Vincent, Francis

Hambrick, Patricia  
Lundborn, Raymond  
Wheeler, Katherine

### SULLIVAN

Allison, David  
Stettenheim, Sandy

Cloutier, John

Palmer, Lorraine

and the motion failed, lacking the necessary two-thirds.

### MOTION TO PRINT REMARKS

Rep. Dickinson moved that the previous remarks of Rep. Teschner be printed in the Journal. Rep. Kurk spoke against.

On a division vote, 112 members having voted in the affirmative and 203 in the negative, the motion failed.

Reps. Conroy and Teschner declared a conflict of interest and did not participate.

### CONSENT CALENDAR

#### COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS RECEIVED FROM THE SENATE TODAY

Rep. Ann Torr moved that the Consent Calendar Committee of Conference Reports on House Bills received from the Senate today, and with the relevant amendments, as printed and distributed, be adopted.

Adopted.

**HB 111**, relative to agreements to pay compensation for abandoned property recovery. (Report printed SJ 24, 6/6/95)

**HB 203**, relative to trust company commencement of business. (Report printed SJ 24, 6/6/95)

**HB 252**, requiring health insurers to provide coverage for nonprescription enteral formulas when medically necessary for the treatment of malabsorption. (Report printed SJ 24, 6/6/95)

**HB 375**, relative to the interest rate on judgments. (Report printed SJ 24, 6/6/95)

**HB 390**, relative to the grandfathering of subdivisions and separate lots. (Report printed SJ 24, 6/6/95)

**HB 395**, relative to the jurisdiction of the zoning board of adjustment, the appeal of land use decisions, and the exhaustion of administrative remedies. (Report printed SJ 24, 6/6/95)

**HB 441**, relative to the headway speed in tidal and non-tidal waters. (Report printed SJ 24, 6/6/95)

**HB 446**, relative to mental health care benefits within the HMO networks. (Report printed SJ 24, 6/6/95)

**HB 468**, relative to mutual savings banks. (Report printed SJ 24, 6/6/95)

**HB 508**, relative to liability insurance coverage and defense expenses for foster parents. (Report printed SJ 24, 6/6/95)

**HB 556**, regulating rate modifications for accident and health insurance policies. (Report printed SJ 24, 6/6/95)

**HB 571**, relative to use of per diem compensation by state boards and commissions and by the counties to pay certain costs for requirements of bailiffs imposed by a county sheriff's department; increasing the pay of parole board members; and requiring a termination provision for advisory committees. (Report printed SJ 24, 6/6/95)

**HB 643**, allowing cruise ships, the primary purpose of which is tourism, to come into New Hampshire waters if their gambling machines are shut down. (Report printed SJ 24, 6/6/95)

### REGULAR CALENDAR

#### COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS RECEIVED FROM THE SENATE TODAY

**HB 50**, relative to health insurance coverage for retirement system member spouses and dependents. (Report printed SJ 24, 6/6/95)  
Adopted.

**HB 52**, changing the age for application of the delinquency provisions from 18 to 17. (Report printed SJ 24, 6/6/95)  
Adopted.

**HB 109**, relative to what constitutes prostitution. (Report printed SJ 24, 6/6/95)  
Adopted.

**HB 140**, relative to safe school zones. (Report printed SJ 24, 6/6/95)  
Adopted.

**HB 181**, establishing the motor oil discharge cleanup fund. (Report printed SJ 24, 6/6/95)  
Adopted.

**HB 222**, relative to access to homes by manufactured housing park owners. (Report printed SJ 24, 6/6/95)

Rep. Lozeau spoke against and yielded to questions.

Rep. Gage spoke in favor.

On a division vote, 97 members having voted in the affirmative and 226 in the negative, the report failed.

**HB 258**, relative to recreational trails. (Report printed SJ 24, 6/6/95)  
Adopted.

**HB 316**, relative to probation and parole officers. (Report printed SJ 24, 6/6/95)  
Adopted.

**HB 317**, relative to disqualification for unemployment compensation benefits due to self-employment. (Report printed SJ 24, 6/6/95)  
Adopted.

**HB 332**, providing for certain services for the developmentally disabled and making an appropriation therefor. (Report printed SJ 24, 6/6/95)  
Adopted.

**HB 342**, relative to the use of moorings and clarifying related definitions. (Report printed SJ 24, 6/6/95)

Adopted.

**HB 401**, establishing a committee to study payments in lieu of taxes for university system properties and certain state government operations which function as businesses open to the public. (Report printed SJ 24, 6/6/95)

Adopted.

**HB 485**, relative to the taxation of transfers of certain estates. (Report printed SJ 24, 6/6/95)

Adopted.

**HB 532**, requiring co-payments from inmates of state correctional facilities for inmate initiated medical care and mental health services and repayment for costs of property damage, escape and riots. (Report printed SJ 24, 6/6/95)

Rep. DePecol spoke against.

Rep. Donna Sytek spoke in favor and yielded to questions.

On a division vote, 249 members having voted in the affirmative and 68 in the negative, the report was adopted.

**HB 558**, requiring certain nonprofit health insurers and dental insurers to pay the premium tax. (Report printed SJ 24, 6/6/95)

Reps. Jacobson and Crory spoke against.

Reps. Weyler and Kurk spoke in favor and yielded to questions.

Rep. Channing Brown requested a roll; sufficiently seconded. The question being the adoption of the Committee of Conference report.

## YEAS 187 - NAYS 138

### YEAS 187

#### BELKNAP

Bartlett, Gordon  
Lawton, David  
Thomas, John

Holbrook, Robert  
Lawton, Robert  
Wendelboe, Francine

Johnson, James  
Rosen, Ralph  
Ziegra, Alice

Laflam, Robert  
Smith, Linda

#### CARROLL

Beach, Mildred  
Howard, Godfrey

Bradley, Jeb  
Lyman, L. Randy

Chandler, Gene  
Philbrick, Donald

Dickinson, Howard, Jr.

#### CHESHIRE

Avery, Stephen  
Hunt, John  
Smith, Edwin

Cole, Stacey  
Laurent, John  
Steere, Myron, III

Delano, Robert  
Metzger, Katherine

Feuer, Joseph  
Royce, H. Charles

#### COOS

Coulombe, Yvonne

Guay, Lawrence

Horton, Lynn

Pratt, Leighton

#### GRAFTON

Adams, Carl  
Chase, Paul, Jr.  
Hill, Richard  
Scanlan, David  
Williams, William, Jr.

Bean, Pamela  
Connolly, Steven  
LaMott, Paul  
Teschner, Douglass

Brown, Alson  
Eaton, Stephanie  
Larson, Nils, Jr.  
Trelfa, Richard

Brown, Channing  
Guaraldi, Lawrence  
MacNeil, Allen  
Tucker, John

#### HILLSBOROUGH

Alukonis, David  
Baroody, Benjamin  
Bridgewater, Charles  
Cepaitis, Elizabeth

Amidon, Eleanor  
Barry, Janet  
Brundige, Robert  
Chabot, Robert

Andrews, Frederick  
Belvin, William  
Burke, M. Virginia  
Champagne, Norma

Arnold, Thomas, Jr.  
Boutin, David  
Calawa, Leon, Jr.  
Clegg, Robert, Jr.

Desrosiers, William  
Fenton, James  
Gagnon, Eugene  
Hart, Nick  
Holt, David  
L'Heureux, Robert  
Lozeau, Donnalee  
McMahon, Donald  
Mittelman, David  
Packard, Bonnie  
Searles, Stanley, Sr.  
Sullens, Joan

Dodge, Emma  
Ferguson, Charles  
Gotham, Rita  
Herman, Keith  
Kelley, Robert  
LaRose, Richard  
MacGillivray, Jeffrey  
McRae, Karen  
Moncrief, Keith  
Pappas, Marc  
Showerman, Peter  
Thulander, O. Alan

Dokmo, Cynthia  
Fields, Dennis  
Hallyburton, Margaret  
Holden, Carol  
Kirby, Thomas  
Legacy, Earl  
Marcinkowski, Michael  
Mercer, Robert  
Morello, Michael  
Riley, Frances  
Soucy, Richard  
Wheeler, Robert

Emerton, Lawrence, Sr.  
Francoeur, Gary  
Hansen, Herbert  
Holley, Sylvia  
Kurk, Neal  
Letendre, Evelyn  
McCarty, Winston  
Milligan, Robert  
O'Hearn, Jane  
Sargent, Maxwell  
Streeter, Janice  
White, Donald

### MERRIMACK

Brown, Mary  
Hess, David  
Langer, Ray  
Pfaff, Terence  
Whittemore, James

Buessing, Marjorie  
Holmes, Mary  
MacKay, James  
Shaw, Randall  
Willis, Jack

Chandler, Charles  
Kennedy, Richard  
Nichols, Avis  
Trombly, Rick

Chandler, Earle  
Lamach, Bernard  
Patenaude, Amy  
Wallner, Mary Jane

### ROCKINGHAM

Attar, Kevin  
Christie, Andrew, Jr.  
Dowling, Patricia  
Fesh, Robert  
Gage, Beverly  
Hutchinson, Karen  
Klemm, Arthur, Jr.  
Morris, Debbie  
Rubin, George  
Stritch, C. Donald  
Weare, Everett

Beaulieu, Jon  
Conroy, Janet  
Dube, LeRoy  
Flanagan, Natalie  
Gargiulo, Louis  
Johnson, Robert  
Kruse, Fred  
Packard, Sherman  
Senter, Marilyn  
Sytek, Donna  
Welch, David

Bishop, Franklin  
Cote, Patricia  
Dunham, Vivian  
Flanders, David  
Gleason, John  
Katsakiores, George  
Malcolm, Ken  
Putnam, Ed, II  
Smith, Arthur  
Sytek, John  
Weyler, Kenneth

Boucher, William  
Dodge, Robert  
Felch, Charles, Sr.  
Flanders, John, Sr.  
Goddard, Warren  
Katsakiores, Phyllis  
McCarthy, John, Jr.  
Raynowska, Bernard  
Stone, Joseph  
Tufts, J. Arthur  
Yennaco, Carol

### STRAFFORD

Douglass, Clyde  
Musler, George  
Wasson, Richard

Dunlap, Patricia  
Sullivan, Henry

Hanlon, Mark  
Torr, Ann

McKinley, Robert  
Torr, Franklin

### SULLIVAN

Krueger, Richard

Peyron, Fredrik

Schotanus, Merle

### NAYS 138

### BELKNAP

Boriso, Thomas

Hurt, George

Rice, Thomas, Jr.

Turner, Robert

### CARROLL

Babson, David, Jr.

Mock, Henry

Patten, Betsey

### CHESHIRE

Burnham, Daniel  
Kingsbury, H. Thayer  
Pratt, Irene  
Wollner, Robert

Champagne, Richard  
Lynch, Margaret  
Richardson, Barbara

DePecol, Benjamin  
Manning, Joseph  
Riley, William

Doucette, Richard  
McGuirk, Paul  
Russell, Ronald

### COOS

Bradley, Paula  
Mayhew, Josephine

Coulombe, Henry  
Mears, Edgar

Davis, Perley

Hawkinson, Marie

**GRAFTON**

Below, Clifton	Cobbin, Philip	Copenhaver, Marion	Crory, Elizabeth
Guest, Robert	Lovett, Sidney	Mirski, Paul	Nordgren, Sharon
Phinney, William			

**HILLSBOROUGH**

Ahern, Richard	Asselin, Robert	Bergeron, Normand	Buckley, Raymond
Cote, David	Cote, Peter	Desmarais, Vivian	Drabinowicz, A. Theresa
Durham, Susan	Dwyer, Paul, Sr.	Dyer, Merton	Feng, David
Foster, Linda	Gibson, John	Goulet, Maurice	Haettenschwiller, Alphonse
Hall, Betty	Hunter, Bruce	Hussey, Mary	Jean, Claudette
Jean, Loren	Johnson, Lionel	Krochmal, Mark	Laughlin, J. Francis
Lefebvre, Roland	Luebker, Bernard	Martin, Mary	McCarthy, William
Melcher, Harold	Messier, Irene	Pepino, Leo	Perkins, Paul
Philbrook, Paula	Reidy, Frank	Sallada, Roland	Soucy, Donna
Taylor, Paul	Toomey, Kathryn	Turgeon, Roland	Wheeler, Craig
White, John	Wright, George		

**MERRIMACK**

Barberia, Richard	Coughlin, Anne	Daneault, Gabriel	Dunn, Miriam
Feuerstein, Martin	Fraser, Marilyn	Jacobson, Alf	Lockwood, Robert
Morrill, Olive	Newland, Matthew	Owen, Derek	Rogers, Katherine
Varsalone, Robert	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Camm, Kevin	Case, Margaret	Clark, Martha
Coes, Betsy	Crossman, Harold, Jr.	Gorman, Donald	Hawkins, Robert
Henderson, Warren	Hurst, Sharleene	Kane, Cecelia	Kobel, Rudolph
Langlely, Jane	Lovejoy, Marian	Magoon, Harold	McGovern, Cynthia
McKinney, Betsy	Nowe, Ronald	Noyes, Richard	Ross, James
Sabella, Norma	Scanlon, Edward	Syracusa, Anthony	

**STRAFFORD**

Beube, Roger	Brown, George	Callaghan, Frank	DeChane, Marlene
Grassie, Anne	Hambrick, Patricia	Hemon, Roland	Hilliard, Dana
Keans, Sandra	Knowles, William	Lundborn, Raymond	Spear, Barbara
Vincent, Francis	Wall, Janet	Wheeler, Katherine	Williams, Howard

**SULLIVAN**

Adler, Rudolf	Allison, David	Cloutier, John	Flint, Gordon
Lindblade, Eric	Palmer, Lorraine	Scott, Robert	Stettenheim, Sandy

and the report was adopted.

Rep. Cornell declared a conflict of interest and did not participate.

**HB 561**, repealing the workers' compensation commission. (Report printed SJ 24, 6/6/95)  
Adopted.

**HB 588**, relative to a forfeiture for failure to license a dog. (Report printed SJ 24, 6/6/95)  
Adopted.

**HB 649**, relative to independent contractors under workers' compensation. (Report printed SJ 24, 6/6/95)  
Adopted.

**HB 652**, allowing criminal action after a juvenile offender's nineteenth birthday in certain circumstances, and making technical changes to the juvenile delinquency provisions. (Report printed SJ 24, 6/6/95)  
Adopted.

**ENROLLED BILLS AMENDMENTS**

**HB 149-FN**, regulating fertilizer and agricultural liming materials.

**Amendment (2836L)**

Amend RSA 431:2 as inserted by section 1 of the bill by replacing line 2 with the following: commissioner of agriculture, markets, and food.

Amend RSA 431:3, III as inserted by section 1 of the bill by replacing line 1 with the following:

III. "Commissioner" means the commissioner of agriculture, markets, and food or the

Amend RSA 431:6, II as inserted by section 1 of the bill by replacing line 5 with the following: days following the close of the filing period and upon filing such statement the registrant shall

Amend RSA 431:8, I as inserted by section 1 of the bill by replacing line 6 with the following: and (b), the larger penalty payment shall apply. A fertilizer is deficient when:

Amend RSA 431:16 as inserted by section 1 of the bill by replacing line 3 with the following: lot of fertilizer and hold such fertilizer at a designated place when the commissioner

Amend RSA 431:23 as inserted by section 2 of the bill by replacing line 2 with the following: commissioner of agriculture, markets, and food.

Amend RSA 431:24, XVI as inserted by section 2 of the bill by replacing line 1 with the following:

XVI. "Commissioner" means the commissioner of agriculture, markets, and food or

Amend RSA 431:30 as inserted by section 2 of the bill by replacing line 3 with the following: custodian of any lot of agricultural liming material and hold such material at a

Adopted.

**HB 324-FN**, relative to taking or harvesting clams and relative to clam license fees.

**Amendment (2871L)**

Amend RSA 211:63-a as inserted by section 5 of the bill by replacing line 5 with the following: human services shall determine that accidental pollution exists in [said] *the*

Amend RSA 211:64-c as inserted by section 7 of the bill by replacing line 3 with the following: of RSA 211:64-b for the recreational taking of clams of a resident of the

Adopted.

**HB 435**, relative to first mortgage bankers and brokers.

**Amendment (2856L)**

Amend the bill by deleting section 12 and renumbering the original sections 13 and 14 to read as 12 and 13, respectively.

Adopted.

**HB 551-FN-L**, relative to the denial or revocation of drivers', occupational, and sporting licenses for nonpayment of child support, and making an appropriation therefor.

**Amendment (2860L)**

Amend RSA 161-B:2, XIII as inserted by section 1 of the bill by replacing line 2 with the following:

state pursuant to RSA 161 or RSA 167, or any rules adopted under

Adopted.

**RESOLUTION**

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the call of the Chair.

Adopted.

**UNANIMOUS CONSENT**

Reps. Fuller Clark, Conroy, Dunn and Sabella addressed the House.

**REMARKS**

Rep. John Flanders moved that the remarks of Rep. Conroy be printed.

Adopted.

Rep. Conroy:



Within the walls of this hallowed hall,  
 We sit, we sweat, we wait  
 for the man, you see, who recites Sam McGee  
 to reveal the poor man's fate.  
 This year when he rose, he was less composed  
 for mistakes were clearly heard.  
 So to make amends, he tried again,  
 this time in his own quaint words.  
 We were duly impressed when he gave it his best  
 and included House members galore.  
 We did appreciate his recitation of late  
 when Ray was behind a closed door.  
 However, dear friend, as this session ends  
 we ask on bended knee  
 next year at this time when you speak in rhyme  
 please, anything but Sam McGee!

Rep. Ann Torr moved that the House stand in recess for the purpose of enrolled bill amendments, enrolling reports and forming Committees of Conference only.

Adopted.

The House recessed at 3:15 p.m.

#### RECESS

(Rep. Horton in the Chair)

#### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 387 and Senate Bills numbered 31 and 82.

Rep. Edwin Smith, Sen. Currier for the Committee

#### RECESS

(Rep. Ferguson in the Chair)

#### ENROLLED BILL AMENDMENTS

**SB 67**, relative to the recording of plats and relative to the power to review site plans. (Amendment printed SJ 25, 6/29/95)

Adopted.

**SB 75**, responding to the passage of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 and relative to the authority of the banking commissioner to supervise and examine bank holding companies. (Amendment printed SJ 25, 6/29/95)

Adopted.

**SB 139-FN**, relative to a life and health insurance guaranty association. (Amendment printed SJ 25, 6/29/95)

Adopted.

**SB 156-FN-A**, establishing a committee to study the issues of lead abatement and relative to certain lead abatement issues. (Amendment printed SJ 25, 6/29/95)

Adopted.

#### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 149, 188, 324, 358, 369, 435, 502, 527, 542, 545, 549, 551, 598 and 650 and Senate Bills numbered 9, 12, 52, 118, 122 and 154.

Rep. Pfaff, Sen. Currier for the Committee

#### RECESS

(Rep. Kurk in the Chair)

#### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 105, 109, 111, 140, 143, 221, 252, 258, 316, 317, 332, 341, 342, 375, 395, 441, 446, 485, 495, 539, 556, 558 and 571 and Senate Bills numbered 28, 57, 91, 116, 138, 146, 149, 150, 151 and 168.

Rep. Pfaff, Sen. Currier for the Committee

## RECESS

(Rep. John Sytek in the Chair)

## ENROLLED BILL AMENDMENTS

**HB 50-FN**, relative to health insurance coverage for retirement system member spouses and dependents.

**Amendment (2902L)**

Amend section 3 of the bill by replacing it with the following:

3 Application. The provisions of section 2 of this act shall apply to any surviving spouse or dependent child who would have qualified under section 2 if that section had been in effect at the time the member died.

Adopted.

**HB 125**, clarifying definitions in the wiretapping and eavesdropping statutes.

**Amendment (2900L)**

Amend section 10 of the bill by replacing lines 5-7 with the following:

570-A:8; 570-A:9; 570-A:11; and 642:3, I(f).

II. Amend the following RSA provisions by replacing "wire communication" with "telecommunication": RSA 570-A:2, II(h) and II(i); and 570-B.

Adopted.

**HB 168**, establishing the Squam Lakes Public Access Trust Program.

**Amendment (2883L)**

Amend RSA 271-B:3, I(f) as inserted by section 1 of the bill by replacing it with the following:

(f) One member of the Squam Lakes Association, appointed by such association.

Amend paragraph I of section 3 of the bill by replacing line 2 with the following:  
effective date of section 1 of this act.

Adopted.

**HB 181-FN**, establishing the motor oil discharge cleanup fund.

**Amendment (2913L)**

Amend section 12 of the bill by replacing line 2 with the following:  
cleanup fund on December 31, 1999, shall be transferred to the oil pollution  
Adopted.

**HB 203**, relative to trust company commencement of business.

**Amendment (2904L)**

Amend the bill by replacing section 4 with the following:

4 Terminology Change. Amend RSA 383:11, I to read as follows:

I. From each such institution examined a sum equal to the product of the average daily rate of overall salary costs, including the benefits portion thereof, and expenses[,] of all examining personnel employed in making examinations pursuant to the provisions of RSA 383:9, multiplied by the number of [man] *personnel* days devoted to the examination of the particular institution, provided, however, that no such institution shall be charged or pay for less than one full day. Sums collected under this section shall be payable to the state treasurer as restricted revenue and credited, in accordance with the banking department's program appropriation unit designation, to the appropriation for the bank commissioner or the consumer credit administration division.

5 Contingency. If HB 549-FN becomes law, section 4 of this act shall take effect 60 days after its passage and section 3 of this act shall not take effect. If HB 549-FN does not become law, section 3 of this act shall take effect 60 days after its passage and section 4 of this act shall not take effect.

6 Effective Date.

I. Sections 3 and 4 of this act shall take effect as provided in section 5 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

Adopted.

**HB 217**, relative to the profession of engineering and the boards of engineers, architects, land surveyors, natural scientists, and foresters.

**Amendment (2875L)**

Amend RSA 310-A:2, II as inserted by section 2 of the bill by replacing line 2 with the following:

advanced knowledge of mathematics and the physical sciences, acquired

Amend the bill by replacing section 13 with the following:

13 Terminology Change. Amend RSA 310-A:16 to read as follows:

310-A:16 Applications. Applications for licensure or for a temporary permit shall be on forms prescribed and furnished by the board, shall contain statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical work, and shall contain not less than 5 references, of whom at least 3 shall be licensed *professional* engineers having personal knowledge of the applicant's professional experience. The board shall establish fees for application and any examination required under this [chapter] *subdivision*. If the board denies the issuance of a license or a temporary permit to any applicant, any initial fee deposited shall be retained as an application fee.

Amend RSA 310-A:19, III as inserted by section 14 of the bill by replacing line 7 with the following:

engineer in a state or country where the requirements and

Amend RSA 310-A:20, IV as inserted by section 15 of the bill by replacing lines 6-7 with the following:

[professional] engineering services performed by reason of such individual's employment by or relationship with such [corporation or

Amend RSA 310-A:22, II(e) as inserted by section 17 of the bill by replacing line 2 with the following:

to a degree which renders the licensee unfit to practice under

Amend the section heading of RSA 310-A:23 as inserted by section 19 of the bill by replacing it with the following:

310-A:23 Hearings; *Appeals; Penalties*.

Amend the bill by replacing section 28 with the following:

28 Terminology Change. Amend RSA 310-A:42 to read as follows:

310-A:42 Applications. Applications for licensure shall be on forms prescribed and furnished by the board, shall contain statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical work, and shall contain not less than 5 references, of whom at least 3 shall be licensed architects having personal knowledge of the applicant's professional experience. The board shall establish fees for application and any examination required under this [chapter] *subdivision*. Should the board deny the issuance of a license to any applicant, any initial fee deposited shall be retained as an application fee.

Amend RSA 310-A:45, I as inserted by section 29 of the bill by replacing lines 4-5 with the following:

who holds an unexpired license or certificate of registration issued by any state, territory or possession of the United States, provided

Amend RSA 310-A:47, II(e) as inserted by section 31 of the bill by replacing line 2 with the following:

to a degree which renders the licensee unfit to practice under

Amend RSA 310-A:50, I as inserted by section 32 of the bill by replacing lines 4-6 with the following:

one's own;

(b) Give any false or forged evidence of any kind to the board or to any board member in obtaining a license;

Amend RSA 310-A:53, II as inserted by section 34 of the bill by replacing line 4 with the following:

letterhead, card, or in any other way that such person is a land

Amend the bill by replacing section 39 with the following:

39 Grammatical Correction. Amend RSA 310-A:63, I to read as follows:

I. As minimum evidence satisfactory to the board that a person is qualified for licensure as a land surveyor, such person shall have a specific record of 6 years or more accumulated experience in land surveying work indicating [competency] *that such person is competent* to practice land surveying and has passed a written or oral examination, or both, prescribed by the board.

Amend RSA 310-A:63, IV as inserted by section 40 of the bill by replacing lines 5-9 with the following:

such person is licensed in a state or country in which the requirements and qualifications for obtaining a certificate of licensure are substantially equivalent to or greater than those specified in this [chapter] *subdivision*. Upon written approval of the application by the chairperson and the secretary, the applicant shall be

Amend RSA 310-A:70, II(e) as inserted by section 45 of the bill by replacing line 2 with the following:

to a degree which renders the licensee unfit to practice under

Amend RSA 310-A:72 as inserted by section 47 of the bill by replacing line 4 with the following:

presenting or attempting to use as one's own the license or the

Amend the bill by replacing sections 54-55 with the following:

54 Terminology Change. Amend RSA 310-A:81, II to read as follows:

II. Each member of the board shall be a citizen of the United States and shall have been a resident of this state for at least 5 years immediately preceding appointment. Each [of the appointed] soil scientist [members] *member* shall have actively practiced soil science for at least 6 years prior to appointment and shall have held a responsible position in charge of such work for at least 2 years prior to appointment, which may include the teaching of soil science.

55 Terminology Change. Amend RSA 310-A:81, V to read as follows:

V. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall biennially elect or appoint a chairperson, vice-chairperson, and secretary. *Three members shall constitute* a quorum [of the board shall consist of at least 3 members].

Amend RSA 310-A:105 as inserted by section 63 of the bill by replacing lines 4-14 with the following:

education, a detailed summary of the applicant's technical experience, and shall contain the names of not less than 5 references, 3 or more of whom shall be individuals having personal or professional knowledge of the applicant's forestry experience. The fee for a license as a forester shall be fixed by the board. One-half of the fee shall accompany the application, the balance to be paid before the issuance of the license. Should the applicant fail to remit the remaining balance within 30 days after being notified by [registered] *certified* mail, *return receipt requested*, that the application has been accepted, the applicant shall forfeit the right to have the license issued and the applicant may be required to again submit an

Amend RSA 310-A:107 as inserted by section 64 of the bill by replacing lines 6-17 with the following:

shall be signed by the chairperson and secretary under the seal of the board. The issuance of a license by the board shall be evidence that the person named in the license is entitled to all rights and privileges of a licensed forester while such license remains unrevoked or unexpired. Plans, maps, and reports issued by the licensee shall be endorsed with the licensee's name and license number during the life of the license. It shall be a *class B* misdemeanor for anyone to endorse any document with such name and license number after the license of the named licensee has expired or has been revoked, unless said license has been renewed or reissued. It shall be a *class B* misdemeanor for any licensed forester to endorse any plan, map or report unless the licensed forester shall have actually prepared such plan, map or report,

Amend the bill by replacing section 75 with the following:

75 Terminology Change; Penalty. Amend RSA 310-A:18 to read as follows:

310-A:18 Certificates; Seals. The board shall issue a license, upon payment of the registration fee established by the board, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this [chapter] *subdivision*. Licenses shall show the full name of the licensee, have a serial number, and be signed by the chairperson and the secretary of the

board under seal of the board. The issuance of a license by the board shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed *professional* engineer while the license remains valid. Each licensee shall upon licensure obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "Licensed *Professional* Engineer." All papers or documents involving the practice of engineering under this [chapter] *subdivision*, when issued or filed for public record, shall be dated and bear the signature and seal of the licensed *professional* engineer who prepared or had responsibility for and approved them. It shall be [unlawful] *a class B misdemeanor* for the licensee to stamp or seal any documents with such seal after the license of the licensee has expired or has been revoked, unless such license shall have been renewed or reissued.

76 Terminology Change; Penalty. Amend RSA 310-A:44 to read as follows:

310-A:44 Certificates; Seals. The board shall issue a license upon payment of the registration fee established by the board, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this [chapter] *subdivision*. Licenses shall show the full name of the licensee, have a serial number, and be signed by the chairperson and the secretary of the board under seal of the board. The issuance of a license by the board shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed architect while the license remains valid. Each licensee shall upon licensure obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "Licensed Architect." All papers or documents involving the practice of a profession under this [chapter] *subdivision*, when issued or filed for public record, shall be dated and bear the signature and seal of the licensed professional who prepared or had responsibility for and approved them. It shall be [unlawful] *a class B misdemeanor* for the licensee to stamp or seal any documents with such seal after the license of the licensee has expired or has been revoked, unless such license shall have been renewed or reissued.

77 Effective Date. This act shall take effect January 1, 1996.

Amend the bill by deleting sections 27, 30, 37, 41, 43, 46, 50-52, 56-58, 60, 65, and 66 and renumbering the original sections 28, 29, 31-36, 38-40, 42, 44, 45, 47-49, 53-55, 59, 61-64, and 67-77 to read as 27-62, respectively.

Adopted.

**HB 245**, changing the status of the economic development fund to a nonlapsing fund and relative to the economic development matching grants program.

#### Amendment (2891L)

Amend 1993, 349:18, III as inserted by section 2 of the bill by replacing line 3 with the following:

allocated by the review committee or budgeted within the state operating

Adopted.

**HB 263**, relative to the board of registration in medicine and making an appropriation for clerical support.

#### Amendment (2898L)

Amend RSA 329:2, I as inserted by section 1 of the bill by replacing line 1 with the following:

I. There shall be a board of medicine consisting of

Amend RSA 329:17, V-a as inserted by section 17 of the bill by replacing lines 2-4 with the following:

nominated by the board of [registration in] medicine and appointed by the governor and council. The subcommittee shall consist of one member of the board of [registration in] medicine and [4] 6 other persons, no more than

Amend RSA 329:17, V-b as inserted by section 17 of the bill by replacing lines 2-6 with the following:

board of [registration in] medicine shall notify the hospital chief executive officer of any pending disciplinary proceedings for referral to the hospital's credentials and quality assurance committees or their equivalent. The hospital's committees shall report back to the board of [registration in] medicine with a progress or final report within 45 days.

Amend RSA 329:18, IV(d) as inserted by section 21 of the bill by replacing line 4 with the following:

New Hampshire Board of [Registration in] Medicine" [in order to be valid].

Amend RSA 329:26 as inserted by section 24 of the bill by replacing line 14 with the following: education and nurse registration under RSA 326-B:12, the board of

Amend section 26 of the bill by replacing lines 3-6 with the following:

315:2-a; 315:10, IV(d); 318:9-a; 318:42, X; 326-B:10-a, I and II; 326-B:32, VI; 326-C:1, I and II; 326-E:1, II, 326-G:1, II; 328-D:1, II; and 328-E:16, I(c); 329:29; and 330-A:18, IV.

Amend the bill by replacing all after section 28 with the following:

29 Changing Reference. Amend RSA 328-A:1, II to read as follows:

II. "Board" means the board of [registration in] medicine.

30 Effective Date.

I. Section 27 of this act shall take effect July 1, 1995.

II. Section 29 of this act shall take effect January 1, 1996 at 12:01 a.m.

III. The remainder of this act shall take effect January 1, 1996.

Adopted.

**HB 270**, relative to bail agents and recovery agents.

#### **Amendment (2914L)**

Amend section 1 of the bill by replacing lines 2-3 with the following:

Amend RSA 597 by inserting after section 7-a the following new section:

597:7-b Bail Agents and Recovery Agents; Notification to Local Law

Adopted.

**HB 312-FN-A-L**, eliminating the advisory council on literacy and dropout prevention and establishing a committee to study literacy issues, and funding state literacy programs.

#### **Amendment (2878L)**

Amend the title of the bill by replacing it with the following:

AN ACT

eliminating the advisory council on literacy and dropout prevention

and establishing a committee to study literacy issues.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Nullification. 1995, 174:14, relative to a gender neutral substitution in RSA 189:56, shall not take effect.

Adopted.

**HB 333**, relative to election procedures.

#### **Amendment (2890L)**

Amend the bill by deleting section 1 and renumbering sections 2-7 to read as 1-6, respectively.

Amend paragraph I of section 5 of the bill by replacing line 1 with the following:

I. Sections 3 and 4 of this act shall take effect upon the date that

Amend paragraph II of section 5 of the bill by replacing line 1 with the following:

II. Sections 3 and 4 of this act shall not take effect if the court

Amend paragraph III of section 5 of the bill by replacing line 1 with the following:

III. Section 1 of HB 440 of the 1995 legislative session (1995, 187:1), "An Act

Amend paragraph III of section 5 of the bill by replacing line 7 with the following:

Act, and section 1 of HB 440 (1995, 187:1) shall be repealed upon the date on which such

Amend the bill by replacing section 6 with the following:

6 Effective Date.

I. Sections 3 and 4 of this act shall take effect as provided in section 5.

II. The remainder of this act shall take effect upon its passage.

Adopted.

**HB 389**, relative to liability of directors and officers of nonprofit organizations and to state

liability for volunteers.

**Amendment (2893L)**

Amend the bill by replacing the title with the following:

**AN ACT**

relative to liability of directors and officers  
of nonprofit organizations.

Adopted.

**HB 390**, relative to the grandfathering of subdivisions and separate lots.

**Amendment (2899L)**

Amend the bill by deleting sections 7-9, 14 and 15 and renumbering the original sections 10-13 and 16 to read as 7-11, respectively.

Amend RSA 674:39, I as inserted by section 7 of the bill by replacing lines 2-4 with the following:

site by the owner or the owner's successor in interest in accordance with the approved plat within 12 months after the date of approval, or in accordance with the terms of [said] *the* approval, and,  
Adopted.

**HB 401**, establishing a committee to study payments in lieu of taxes for university system properties and certain state government operations which function as businesses open to the public.

**Amendment (2892L)**

Amend the title of the bill by replacing it with the following:

**AN ACT**

establishing a committee to study payments in lieu of taxes for university system  
properties and certain state government operations which function  
as businesses open to the public and establishing  
a university system study committee.

Adopted.

**HB 468**, relative to mutual savings banks.

**Amendment (2905L)**

Amend RSA 386-B:8, I as inserted by section 6 of the bill by replacing line 10 with the following:

RSA 386:61 and 62.

Adopted.

**HB 508-FN**, relative to liability insurance coverage and defense expenses for foster parents.

**Amendment (2915L)**

Amend RSA 170-G:3, VII(a)(3) as inserted by section 2 of the bill by replacing line 6 with the following:

this subparagraph, and no funds shall be available for the settlement or

Amend RSA 170-G:3, VII(c) as inserted by section 2 of the bill by replacing lines 7-9 with the following:

subparagraph, the attorney general shall be notified and shall select a qualified attorney to provide legal representation and defense to the claimant subject to the dollar limitations of subparagraph (a)(3), the

Adopted.

**HB 518-FN**, relative to increasing the value of abandoned property subject to reporting, changing the time period after which property is assumed to be abandoned, and changing the advertising and notice requirement for abandoned property.

**Amendment (2884L)**

Amend RSA 471-C:13 as inserted by section 18 of the bill by replacing it with the following:  
471-C:13 Property Held in Police Department Property Rooms. Notwithstanding any other

provisions of law to the contrary, all noncontraband abandoned or lost personal property [having a value of less than \$250] which has been held in a police department property room for a period of at least [60] **180** days may be disposed of by the police department by returning [same] **it** to the finder, if known, if [said] **the** finder was other than a police officer who discovered the property during the course of the police officer's usual police duties. If the property cannot be returned to the finder, the property shall be sold at public auction with the proceeds to be turned over to the town or city treasurer. The police department shall be relieved of all liability for any claim thereafter arising or made with respect to property disposed of under this section.

Adopted.

**HB 532-FN**, requiring co-payments from inmates of state correctional facilities for inmate initiated medical care and mental health services and repayment for costs of property damage, escape and riots.

#### **Amendment (2907L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

requiring co-payments from inmates of state correctional facilities for inmate initiated medical care and mental health services and repayment for costs of property damage, escape and riots and relative to payment for costs of inmate litigation and cost of care.

Adopted.

**HB 561-FN**, repealing the workers' compensation commission.

#### **Amendment (2895L)**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

repealing the workers' compensation commission and establishing a commission to study the Pease development authority and making an appropriation therefor.

Adopted.

**HB 588-FN-L**, relative to license fees for dogs and cats.

#### **Amendment (2906L)**

Amend RSA 466:5 as inserted by section 4 of the bill by replacing line 6 with the following:  
***paid to the department of agriculture, markets, and food under RSA 466:9 or the state***

Amend RSA 466:6-a, V-a as inserted by section 7 of the bill by replacing line 1 with the following:

V-a. The commissioner of the department of agriculture, markets, and food or [his]

Amend the bill by replacing section 20 with the following:

20 Name of Complainant Public. Amend RSA 466:31, III to read as follows:

III.(a) Any person who fails, by appropriate action including but not limited to restraining an animal from running at large, or otherwise effectively abating a nuisance found such under the provisions of this section, or who fails to comply with any other provisions of this section after being so ordered, shall have [his] ***the person's*** dog taken into custody by the police of the city or constable of the town and such disposition made of the dog as the court may order.

(b) ***Notwithstanding RSA 466:31-a, if a law enforcement officer does not witness the nuisance behavior, the name of the complainant shall be released as public information before any fine under RSA 466:31-a shall be levied.***

Amend the bill by deleting section 24 and renumbering the original section 25 to read as 24.  
Adopted.

**HB 630**, recodifying and revising the forestry laws.

#### **Amendment (2912L)**

Amend RSA 227-K:8 as inserted by section 1 of the bill by replacing line 2 with the following:



the commissioner of agriculture, markets, and food a necessity exists requiring the

Amend RSA 227-K:13 as inserted by section 1 of the bill by replacing line 2 with the following:  
direction of the commissioner of agriculture, markets, and food may enter upon any land

Amend RSA 227-K:14 as inserted by section 1 of the bill by replacing line 2 with the following:  
direction of the commissioner of agriculture, markets, and food may prohibit and prevent or

Amend RSA 227-K:15 as inserted by section 1 of the bill by replacing line 2 with the following:  
agriculture, markets, and food may issue such orders, notifications and permits as may be

Amend RSA 227-K:16 as inserted by section 1 of the bill by replacing line 3 with the following:  
nursery inspection or other funds of the department of agriculture, markets, and food.

Amend RSA 434:59, II(a) as inserted by section 15 of the bill by replacing line 4 with the following:

approved by the commissioner of agriculture, markets, and food that the quality and safe

Amend paragraph XII as inserted by section 19 of the bill by replacing line 1 with the following:

XII. RSA 219:26-35, relative to expenditure of funds, abatement of taxes, and exchange

Amend the bill by replacing section 20 with the following:

20 References Changed. Amend RSA 281-A:2, VII(a)(4) to read as follows:

(4) Any person who fights a forest or other type of fire and who is either voluntarily under the direction of those authorized to give direction in the fighting of fires or who is under statutory compulsion to fight fires pursuant to RSA [224:11] ~~227-L:11~~ and [12] ~~227-L:13~~, or RSA 154:7, 8, and 9. For the purposes of this chapter, such a person shall be deemed to be an employee of the state with respect to fires fought under the provisions of RSA [224] ~~227-L~~ and deemed to be an employee of the municipality in which the fire is fought with respect to fires fought under the provisions of RSA 154.

21 Contingency. If HB 649-FN-LOCAL becomes law, section 20 of this act shall take effect January 1, 1996, and section 13 of this act shall not take effect. If HB 649-FN-LOCAL does not become law, section 13 of this act shall take effect January 1, 1996, and section 20 of this act shall not take effect.

22 Effective Date.

I. Sections 13 and 20 of this act shall take effect as provided in section 21 of this act.

II. The remainder of this act shall take effect January 1, 1996.

Adopted.

**HB 643**, allowing cruise ships, the primary purpose of which is tourism, to come into New Hampshire waters if their gambling machines are shut down and relative to the operation of bingo games.

#### Amendment (2901L)

Amend section 1 of the bill by replacing it with the following:

1 Cruise Ships Exempted. Amend RSA 647:2, V and VI to read as follows:

V. This section shall not apply to:

(a) Dispenser devices approved by the sweepstakes commission which are located at the regular meeting place of, or at a facility owned, leased, or utilized by, a charitable organization licensed under RSA 287-E:20.

[VI.](b) [This section shall not apply to] A family entertainment center having redemption slot machines or redemption poker machines.

(c) *Cruise ships which are equipped with gambling machines whose primary purpose is touring. Any such cruise ship shall be allowed to temporarily enter New Hampshire coastal waters and ports for up to 48 hours, provided that all gambling machines on board are not in use or capable of being used while in New Hampshire coastal waters and ports. For the purposes of this paragraph "cruise ship" means any vessel which is capable of providing overnight accommodations for 500 or more people.*

Adopted.

**HB 649-FN-L**, relative to independent contractors under workers' compensation.

#### Amendment (2896L)

Amend RSA 281-A:2, VII(a)(1) as inserted by section 2 of the bill by replacing line 3 with the following:

any express or implied voluntary contract of hire and every elected or appointed

Amend RSA 281-A:2, VII(b) as inserted by section 2 of the bill by replacing lines 2-5 with the following:

include any inmate of a county or state correctional facility who is, under RSA 651, required or allowed to work or perform services for which no significant remuneration is provided, or any participant performing community service work under a court order or the provisions of a court diversion program.

Adopted.

**HB 652-FN**, allowing criminal action after a juvenile offender's nineteenth birthday in certain circumstances, and making technical changes to the juvenile delinquency provisions.

#### **Amendment (2897L)**

Amend the bill by replacing section 16 with the following:

16 Reference to Remainder of Minority. Amend RSA 169-B:19, VI to read as follows:

VI. Notwithstanding RSA 169-B:19, I(j), a minor committed to the youth development center for [such person's] *the remainder of* minority may be placed at any facility certified by the director, division for children, youth, and families, for the commitment of minors. The commissioner of the department of youth development services shall be responsible for notifying the court of any such placement and of any subsequent changes in placement.

Adopted.

#### **RECESS**

**(Rep. Hawkins in the Chair)**

#### **ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 50, 125, 168, 181, 203, 217, 245, 263, 270, 312, 333, 389, 390, 401, 468, 508, 518, 532, 561, 588, 630, 643, 649 and 652 and Senate Bills numbered 67, 75, 139 and 156.

Rep. Pfaff, Sen. Currier for the Committee

#### **CONFEREE CHANGES**

**HB 2-FN**, relative to state fees, funds, revenues and expenditures.

Reps. Mary Jane Wallner and Schotanus, additional alternates.

Rep. Cole moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 25

Thursday, June 29, 1995

The House, at the call of the Chair, assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend Hays M. Junkin, Pastor of St. Andrews Episcopal Church in Hopkinton.

Compassionate God, on this beautiful New Hampshire day, we give You thanks for our many blessings. We ask that You be with the members of this General Court as they seek to do the peoples' business in this representative democracy. Bless their families and those they love this day. Bless the members of this assembly who are facing any personal pain or illness today. Bless each member as they vote their conscience, and not their own best interest today. Most of all we ask Your blessing upon the people of this great state, especially those among us who are mentally or physically disabled through no fault of their own, and who have a right to life, liberty and the pursuit of happiness. From Pittsburg to Salem, and from Portsmouth to Keene, fill our hearts with thankfulness for the liberties we share and challenge us to be compassionate citizens worthy of freedom's responsibilities. Amen.

Rep. Gene Chandler led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Alson Brown, Golden, Healy, Laflam and MacIntyre, the day, illness.

Reps. Mary Brown, Buessing, Copenhaver, David Cote, Desmarais, Dolan, Doucette, Hanlon, David Holt, Langer, Lee, Lefebvre, Little, Magoon, Metzger, Palmer, Richards, Frances Riley, Rubin, Sullivan, Toomey, Ralph Torr, Tucker, Warner and Weeks, the day, important business.

Rep. Charles Cote, the day, illness in the family.

### INTRODUCTION OF GUESTS

Michael and Christian Battles, sons of Rep. Battles. Helen Holbrook, wife of Rep. Holbrook. Mike Hussey, grandson of Rep. Senter. Warren Young, guest of Reps. Gene Chandler and Mock. Ola Palecna, guest of Rep. Cooper.

### EMPLOYEES OF THE MONTH

Today, we take a moment to honor our Employees of the Month for June: Ken Leidner and Sandy Wheeler of the State House Visitors Center.

Ken has been director of the Visitors Center since September 1, 1988.

Sandy became an assistant in the Visitors Center on August 1, 1986 and its public information coordinator on August 1, 1988.

The Visitors Center staff greets State House visitors, conducts tours and answers questions about this historic building. They create a favorable impression on our visitors and have conducted tours for nearly 30,000 visitors last year.

Thank you both for your efforts.

### EMPLOYEE OF THE YEAR

At this time we would like to take a moment to honor our staff member of the year, the House Sergeant-at-Arms, Warren W. Leary, Jr. Warren has been associated with the House for more than 20 years - first as a member in the 1975 session, then as Sergeant-at-Arms since 1976.

Warren is in charge of security for the Legislature, announcing guests during sessions, and managing the office that handles all of our paperwork.

We could not operate without his efforts. Please join me in thanking him.

The House of Representatives offered the following:

**HOUSE RESOLUTION NO. 31**

Recognizing the National and State Anniversaries of Women in the Legislature

WHEREAS, one hundred years ago, in the Year of Our Lord, Eighteen Hundred and Ninety-Five, in the State of Colorado, Clara Cressingham, Carrie C. Holly and Frances S. Klock became the first women ever elected to a state legislature in America, and

WHEREAS, seventy-five years ago, in the Year of Our Lord, Nineteen Hundred and Twenty, on the Second day of November, Jessie Doe, a Rollinsford Republican, and Mary Louise Rolfe Farnum, a Boscawen Democrat, became the first women ever elected to the New Hampshire General Court, both serving in the House of Representatives, and

WHEREAS, ten Novembers later, in the Year of Our Lord, Nineteen Hundred and Thirty, E. Maude Ferguson, a Bristol Republican, after serving two terms in the House, became the first woman ever elected to the New Hampshire Senate, and

WHEREAS, for the eleven consecutive bienniums beginning with 1975-1976, the New Hampshire House of Representatives continuously has had more than one-quarter of its membership comprised of women, and

WHEREAS, in the current General Court of New Hampshire, there are 122 women Representatives and six women Senators, and

WHEREAS, throughout the seventy-five years that since have passed, the hundreds of women who have been elected to the New Hampshire General Court have made great legislative and civic contributions while serving with collective distinction, pride, zeal and deep devotion, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the 100th National Anniversary and the 75th State Anniversary of women in the Legislature be recognized and celebrated and be it further

RESOLVED, that the women of the New Hampshire General Court, both past and present, be saluted and applauded for their outstanding contributions to the welfare and stability of the State, and that a suitable copy of this Resolution be prepared for presentation to the State Chapter of the Order of Women Legislators.

Unanimously adopted.

Reps. Ann Torr and Trombly offered the following:

**HOUSE RESOLUTION NO. 32**

urging the governor to submit the application prepared by the department of education to the federal government for a Goals 2000 grant.

Whereas, Congress enacted the Goals 2000: Educate America Act, as a result of a bipartisan effort initiated by President Bush and continued by President Clinton to further the education of our nation's children for the 21st century; and

Whereas, under Title III, of Goals 2000: Educate America Act, Congress has made federal funds for education available to the states and local education systems; and

Whereas, to date 48 states have applied for planning grants under Goals 2000 and over \$100 million in federal funds has been awarded to those states; and

Whereas, New Hampshire would be eligible to receive up to \$10 million in federal funds to be used in the state for education under the Goals 2000 program over the next 5 years; and

Whereas, 80 percent of the federal funds from Goals 2000 would be distributed directly to local school districts to help New Hampshire communities improve education and help alleviate the local property taxes burden; and

Whereas, the commissioner of education has prepared for the state of New Hampshire an application to the United States Department of Education for a grant of federal money under the Goals 2000 program; and

Whereas, the Goals 2000 grant application incorporates assurances made by the Secretary of Education to New Hampshire that as a condition of receipt of funding New Hampshire shall not be subject to any restrictions or requirements beyond those set out in New Hampshire's application; and

Whereas, New Hampshire has received an assurance that, if at any time the state wishes to terminate participation in the Goals 2000 program it may do so without penalty by informing the federal government in writing of the decision to cease participation and cease drawing federal funds; now therefore, be it

Resolved by the House of Representatives:

That the house urges Governor Merrill to submit the state of New Hampshire application for the planning grant for Goals 2000 that has been prepared by the New Hampshire department of education to the United States Department of Education on or before June 30, 1995.

Reps. Ann Torr and Trombly spoke in favor.

Reps. Goddard and Daniels spoke against and yielded to questions.

Rep. Rice spoke against.

Rep. Larson spoke in favor and yielded to questions.

Rep. Robert Foster requested a roll call; sufficiently seconded. The question being the adoption of the resolution.

## YEAS 216 - NAYS 122

### YEAS 216

#### BELKNAP

Boriso, Thomas  
Ziegler, Alice

Cain, Thomas

Smith, Linda

Turner, Robert

#### CARROLL

Beach, Mildred  
Kenney, Joseph

Bradley, Jeb  
Philbrick, Donald

Cooper, Kipp

Foster, Robert

#### CHESHIRE

Avery, Stephen  
DePecol, Benjamin  
McGuirk, Paul  
Robertson, Timothy

Burnham, Daniel  
Delano, Robert  
Pratt, Irene  
Russell, Ronald

Champagne, Richard  
Kingsbury, H. Thayer  
Richardson, Barbara  
Smith, Edwin

Cole, Stacey  
Manning, Joseph  
Riley, William  
Wollner, Robert

#### COOS

Bradley, Paula  
Guay, Lawrence  
Mears, Edgar

Coulombe, Henry  
Hawkinson, Marie  
Merrill, Gerald

Coulombe, Yvonne  
Horton, Lynn  
Pratt, Leighton

Davis, Perley  
Mayhew, Josephine

#### GRAFTON

Adams, Carl  
Chase, Paul, Jr.  
Guest, Robert  
Larson, Nils, Jr.  
Scanlan, David

Bean, Pamela  
Cory, Elizabeth  
Ham, Bonnie  
Lovett, Sidney  
Trelfa, Richard

Below, Clifton  
Eaton, Stephanie  
Hill, Richard  
MacNeil, Allen

Brown, Channing  
Guaraldi, Lawrence  
LaMott, Paul  
Nordgren, Sharon

#### HILLSBOROUGH

Ahern, Richard  
Asselin, Robert  
Calawa, Leon, Jr.  
Drabinowicz, A. Theresa  
Ferguson, Charles  
Haettenschwiller, Alphonse  
Hussey, Mary  
Kelley, Robert  
LaRose, Richard  
Martin, Mary  
Mercer, Robert  
O'Hearn, Jane  
Peters, Stanley  
Soucy, Donna  
Taylor, Paul  
White, John

Alien, W. Gordon  
Belvin, William  
Cepaitis, Elizabeth  
Durham, Susan  
Fields, Dennis  
Hall, Betty  
Jean, Claudette  
Kirby, Thomas  
Laughlin, J. Francis  
McCarthy, William  
Messier, Irene  
O'Rourke, Joanne  
Reidy, Frank  
Soucy, Richard  
Turgeon, Roland

Amidon, Eleanor  
Bergeron, Normand  
Cote, Peter  
Dwyer, Paul, Sr.  
Foster, Linda  
Hansen, Herbert  
Johnson, Lionel  
Kurk, Neal  
Lozeau, Donnalee  
McCarty, Winston  
Mittelman, David  
Packard, Bonnie  
Sargent, Maxwell  
Streeter, Janice  
Wheeler, Craig

Andrews, Frederick  
Buckley, Raymond  
Dokmo, Cynthia  
Emerton, Lawrence, Sr.  
Franks, Suzan  
Hart, Nick  
Kane, Laura  
L'Heureux, Robert  
Marcinkowski, Michael  
Melcher, Harold  
Morello, Michael  
Perkins, Paul  
Searles, Stanley, Sr.  
Sullens, Joan  
Wheeler, Robert

**MERRIMACK**

Chandler, Charles	Chandler, Earle	Chandler, John	Coughlin, Anne
Crosby, Toni	Daneault, Gabriel	DeStefano, Stephen	Dunn, Miriam
Feuerstein, Martin	Fraser, Marilyn	Hess, David	Holmes, Mary
Jacobson, Alf	Lamach, Bernard	Lockwood, Robert	Moore, Carol
Morrill, Olive	Newland, Matthew	Owen, Derek	Pfaff, Terence
Rogers, Katherine	Trombly, Rick	Varsalone, Robert	Wallner, Mary Jane
Whalley, Michael	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Aranda, M. Kathryn	Boucher, William	Case, Margaret
Christie, Andrew, Jr.	Clark, Martha	Coes, Betsy	Conroy, Janet
Crossman, Harold, Jr.	Dowling, Patricia	Fesh, Robert	Flanders, John, Sr.
Gage, Beverly	Gargiulo, Louis	Gleason, John	Hawkins, Robert
Henderson, Warren	Hurst, Sharleene	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Kelley, Jane	Klemm, Arthur, Jr.	Kruse, Fred
Langley, Jane	Lovejoy, Marian	McGovern, Cynthia	Pantelakos, Laura
Senter, Merilyn	Stone, Joseph	Stritch, C. Donald	Syracusa, Anthony
Sytek, Donna	Sytek, John	Tufts, J. Arthur	Vaughn, Charles
Weare, Everett			

**STRAFFORD**

Berube, Roger	Brown, George	Brown, Julie	Callaghan, Frank
Chagnon, Ronald	DeChane, Marlene	Dunlap, Patricia	Grassie, Anne
Hambrick, Patricia	Hemon, Roland	Hilliard, Dana	Keans, Sandra
Knowles, William	Loder, Suzanne	Lundborn, Raymond	McCann, William, Jr.
McKinley, Robert	Merrill, Amanda	Merritt, Deborah	Musler, George
Pelletier, Arthur	Snyder, Clair	Spear, Barbara	Torr, Ann
Torr, Franklin	Wall, Janet	Wheeler, Katherine	Williams, Howard

**SULLIVAN**

Allison, David	Behrens, Thomas	Cloutier, John	Flint, Gordon
Lindblade, Eric	Schotanus, Merle	Stettenheim, Sandy	Whipple, Allen

**NAYS 122****BELKNAP**

Bartlett, Gordon	Holbrook, Robert	Hurt, George	Johnson, James
Lawton, David	Lawton, Robert	Rice, Thomas, Jr.	Rosen, Ralph
Thomas, John	Wendelboe, Francine		

**CARROLL**

Babson, David, Jr.	Chandler, Gene	Dickinson, Howard, Jr.	Howard, Godfrey
Lyman, L. Randy	Mock, Henry	Patten, Betsey	

**CHESHIRE**

Feuer, Joseph	Hunt, John	Laurent, John	McNamara, Wanda
Steere, Myron, III			

**COOS**

St. Hilaire, Paul

**GRAFTON**

Cobbin, Philip	Connolly, Steven	Mirski, Paul	Phinney, William
Teschner, Douglass	Williams, William, Jr.		

**HILLSBOROUGH**

Aksten, Cheryl	Alukonis, David	Arnold, Thomas, Jr.	Barry, Janet
Boutin, David	Brundige, Robert	Burke, M. Virginia	Chabot, Robert
Champagne, Norma	Clegg, Robert, Jr.	Daniels, Gary	Dodge, Emma

Dyer, Merton  
Gagnon, Eugene  
Hallyburton, Margaret  
Jean, Loren  
Luebker, Bernard  
Milligan, Robert  
Showerman, Peter  
Worthen, Dorothy

Feng, David  
Gibson, John  
Holden, Carol  
Krochmal, Mark  
MacGillivray, Jeffrey  
Pappas, Marc  
Thulander, O. Alan  
Wright, George

Fenton, James  
Gotham, Rita  
Holley, Sylvia  
Legacy, Earl  
McMahon, Donald  
Pepino, Leo  
Wells, Peter, Sr.

Francoeur, Gary  
Goulet, Maurice  
Hunter, Bruce  
Letendre, Evelyn  
McRae, Karen  
Sallada, Roland  
White, Donald

### MERRIMACK

Adams, Stephen  
Nichols, Avis  
Whittemore, James

Barberia, Richard  
Patenauade, Amy  
Willis, Jack

Crowell, Peter  
Pitman, Mary Ellen

Kennedy, Richard  
Shaw, Randall

### ROCKINGHAM

Arndt, Janet  
Bishop, Franklin  
Cote, Patricia  
Felch, Charles, Sr.  
Gorman, Donald  
McCarthy, John, Jr.  
Nowe, Ronald  
Putnam, Ed, II  
Smith, Arthur

Battles, Marjorie  
Camm, Kevin  
Dodge, Robert  
Flanagan, Natalie  
Haynes, Richard  
McKinney, Betsy  
Noyes, Richard  
Raynowska, Bernard  
Weyler, Kenneth

Beaulieu, Jon  
Carson, Gregory  
Dube, LeRoy  
Flanders, David  
Kobel, Rudolph  
Moore, Benjamin  
Packard, Sherman  
Ross, James  
Yennaco, Carol

Belanger, Ronald  
Clark, Vivian  
Dunham, Vivian  
Goddard, Warren  
Malcolm, Ken  
Morris, Debbie  
Pratt, Katharin  
Scanlon, Edward

### STRAFFORD

Douglass, Clyde

Nehring, William

Reynolds, Charles

### SULLIVAN

Adler, Rudolf

Krueger, Richard

Peyron, Fredrik

and the resolution was adopted.

Reps. Krueger and Teschner voted nay and intended to vote yea.

### COMMUNICATIONS

June 6, 1995

Hon. Harold W. Burns, Speaker

With great regret, I find it necessary to resign my position in the New Hampshire General Court. My resignation will take effect June 30, 1995. I will be permanently changing my place of residence to Brookline, NH. As a result, I will not be able to represent Hillsborough District 30.

It has been a great honor to serve as a state legislator in New Hampshire for the past three years. I will never forget the wonderful experience and the dedicated people that I have served with.

I will miss you all.

Paula Philbrook, Hills. 30

The Speaker accepted the resignation with regret.

June 19, 1995

Hon. Harold W. Burns, Speaker

It is with deep regret that I resign my House seat as a Representative from Ward 6, Manchester. I have moved to Ward 12 in Manchester and will vacate my seat as of June 19, 1995.

It has been a pleasure to have known you for my 11 years in the House and an honor to have served during your tenure as Speaker of the House.

I am happy, but will miss you all, especially the members of the House I have called my friends during those years.

The very best to all of you.

Leona Dykstra, Hills. 42

The Speaker accepted the resignation with regret.

**THE STATE OF NEW HAMPSHIRE  
SUPREME COURT**

**In Case No. SMA-95-001, Petition of the House of Representatives, the court upon June 1, 1995, made the following order:**

On March 20, 1995, the House of Representatives (house) filed with this court House Resolution 16 which encouraged this court to release "any and all professional conduct files as may be in existence regarding the late John C. Fairbanks, whether held by the court or the Professional Conduct Committee." The resolution specifically asked this court to do so after seeking waivers of confidentiality from those who may have filed complaints against Fairbanks. In response to the house's resolution, this court ordered the professional conduct committee on March 24, 1995, to "ask the complaining witnesses in any professional conduct complaints which may have been filed against the late John C. Fairbanks if they waive confidentiality as to their complaint." The committee's response was received by the court on May 19, 1995. Having reviewed the house's resolution and the response of the committee, the court treats the resolution as a petition for public disclosure of confidential professional conduct records of the late John C. Fairbanks.

"[T]his court possesses the inherent authority to compel the committee to disclose disciplinary records." Petition of Burling, 139 N.H. \_\_\_\_\_, \_\_\_\_\_ (decided December 29, 1994). In Burling, we declined to exercise that authority, noting that none of the participants in any professional conduct proceedings against Fairbanks had waived confidentiality. This case is different. The house has specifically requested that the professional conduct committee seek waivers of confidentiality from those who made professional conduct complaints against Fairbanks. Upon receipt of the house's request, we ordered the professional conduct committee to seek such waivers. Where complainants have waived confidentiality, we order full public disclosure of such files. In addition, in one instance where the complainant is deceased, we order full public disclosure except for personal financial information. Where confidentiality has not been waived, the professional conduct committee files shall remain confidential.

John C. Fairbanks tendered his resignation from the New Hampshire bar to this court on June 6, 1989. The court refused to accept his resignation pending further investigation. Prior to that date, the professional conduct committee had received three complaints against Fairbanks. The first was dated December 9, 1976, and was filed by Diane Szarkowski (now Trudeau). Ms. Trudeau has waived confidentiality, and this file shall be made public. The second was dated September 21, 1987, and the complainant in that complaint has requested that the file be kept confidential; therefore, this file shall not be made public. The third was dated October 1, 1988, and was filed by Marcia M. Cobb. Ms. Cobb has waived confidentiality, and this file shall be made public.

Following Fairbanks' effort to resign from the bar, the professional conduct committee docketed five more complaints against him. The first of these was dated June 29, 1989, and was generated by the committee from public sources. This file shall be made public. The second was dated July 17, 1989, and was filed by Attorney Edward W. Richards on behalf of a client, who has since died. This matter led to the filing of a petition for disbarment with this court on November 22, 1989 (Supreme Court file #LD-89-067, which has always been public). The professional conduct committee file in this matter shall be made public except for personal financial information. The third was dated September 25, 1989, and was generated by the committee from public sources. This file shall be made public. The fourth was also dated September 25, 1989, and was also generated by the committee from public sources. This file shall be made public. The fifth was dated October 17, 1989, and was filed by Attorney Jon S. Auten on behalf of Alexander Usko. Mr. Usko has waived confidentiality, and this file shall be made public.

In addition, the professional conduct committee received two other letters concerning Fairbanks both of which were received after he attempted to resign from the bar and were not docketed. The first was received on July 13, 1989, and the second on January 2, 1990. No waiver of confidentiality has been received regarding either letter, and they shall not be made public.

The court has also reviewed its files regarding Fairbanks. As mentioned above, one (#LD-89-067) has always been public. The court has two other files. The first of these (#SMC-89-023) was opened on June 6, 1989, the day on which Fairbanks submitted his resignation from the New Hampshire bar. It contains material concerning notice to clients of the resignation, dispo-



sition of client files, the treatment of the resignation as a voluntary suspension from the practice of law, and an inventory of certain property of Fairbanks. This file shall be made public. The second (#SMC-89-026) was opened on July 27, 1989, with the filing by the professional conduct committee of a petition for subpoena of records, audit of trust accounts and operating accounts and appointment of auditor. It contains the proceedings on that petition which ended when Fairbanks refused to comply with a subpoena at a time when the matter was being pursued actively by the attorney general's office. It should be noted that Fairbanks was indicted by the Sullivan County Grand Jury on December 28, 1989, for several criminal offenses. This file shall be made public.

The professional conduct committee shall immediately deliver to the court three complete copies of each file to be made public, with an index of the contents attached as a cover sheet. The clerk of this court shall similarly make three complete copies of each of this court's files to be made public, with an index of the contents attached as a cover sheet. The public inspection of all files, whether of the professional conduct committee or of this court shall take place at the office of the clerk of this court. To insure the safety of the original files, public inspection shall be limited to the copies. Photocopies may be made through the New Hampshire Law Library at the library's normal per copy charge.

Howard J. Zibel, Clerk

### GOVERNOR'S VETO MESSAGE ON HOUSE BILL 127

April 24, 1995

To the Honorable Members of the General Court:

I hereby veto House Bill 127, which seeks to weaken the requirements for Notary Public and Justice of the Peace. The law presently requires all applicants to indicate in writing whether they have been arrested or convicted of a crime. This bill would remove the requirement that those applicants provide information that they have been arrested.

New Hampshire law reposes special trust in those who hold the office of Justice of the Peace and Notary Public. They seek a public status and must undergo a reasonable inquiry into their public conduct. Therefore, I must veto this measure.

The proponents of this bill argue that since arrested individuals are entitled to the presumption of innocence, they should not be required to divulge their arrest status on an application for a Justice of the Peace or Notary Public. The presumption of innocence exists, however it does not, nor should not provide a shield against any reasonable inquiry into the public conduct and background of those seeking a special position in our State.

It is important to note that the inquiry here does not involve the guilt or innocence of applicants, but rather the character of those applicants and their suitability to hold the office they voluntarily seek to hold. On occasion criminal charges may not end in conviction for reasons other than innocence. While an arrest does not always lead to conviction, it is an indication that probable cause existed to believe a crime was committed. Such a determination at least deserves consideration and evaluation by those who are responsible for selecting suitable candidates to serve in such positions.

By this veto, I do not suggest that an arrest record automatically should disqualify any person from holding office. There are circumstances in which a valid explanation would be sufficient. I do not believe, however, that the people should be prohibited from even asking the question in light of the serious responsibilities at stake.

Among the responsibilities charged to Justices and Notaries are the administration of oaths, the taking of depositions, the acknowledgment of deeds, and the issuance of summons to witnesses. In addition, Justices are vested with the authority to perform marriage ceremonies. The commission which grants these powers requires the applicant to "faithfully and impartially discharge and perform all the duties incumbent on me . . . according to the best of my abilities, agreeably to the rules and regulations of this constitution and laws of the State of New Hampshire."

We should not take the duties and responsibilities lightly. We should not water down the standards for the position unless known abuses in the procedure exist. I know of none. I believe an inquiry into the arrest status of an applicant will help to ensure that only those candidates of high moral character will be granted the privileges authorized under law.

The law already makes two exceptions to arrests and even to conviction. The first exception is if the matter has been annulled. The second is if the matters involved minor traffic offenses.

In my three years as Governor, I have never received one letter, telephone call or individual complaint about the requirement to list an arrest when applying for this privilege from the State. This bill should be vetoed on the grounds of public protection, until good cause is shown for making the change.

Stephen Merrill, Governor

The question being, notwithstanding the Governor's veto, shall **HB 127**, relative to the statement which must be signed by applicants for notary public or justice of the peace, pass?

Rep. Hart spoke in favor.

As required by the State Constitution, a roll call was taken.

## YEAS 133 - NAYS 195

### YEAS 133

### BELKNAP

None

### CARROLL

Mock, Henry

### CHESHIRE

Burnham, Daniel  
Kingsbury, H. Thayer  
Robertson, Timothy

Champagne, Richard  
McGuirk, Paul  
Russell, Ronald

DePecol, Benjamin  
Pratt, Irene  
Wollner, Robert

Delano, Robert  
Richardson, Barbara

### COOS

Bradley, Paula  
Mayhew, Josephine

Coulombe, Henry  
Mears, Edgar

Coulombe, Yvonne

Hawkinson, Marie

### GRAFTON

Below, Clifton  
Larson, Nils, Jr.  
Scanlan, David

Crory, Elizabeth  
Lovett, Sidney  
Teschner, Douglass

Guest, Robert  
Mirski, Paul  
Trelfa, Richard

LaMott, Paul  
Nordgren, Sharon

### HILLSBOROUGH

Ahern, Richard  
Bergeron, Normand  
Dokmo, Cynthia  
Gagnon, Eugene  
Hart, Nick  
Johnson, Lionel  
Martin, Mary  
O'Rourke, Joanne  
Soucy, Donna  
Taylor, Paul  
Worthen, Dorothy

Allen, W. Gordon  
Buckley, Raymond  
Drabinowicz, A. Theresa  
Goulet, Maurice  
Holden, Carol  
Kane, Laura  
McCarty, Winston  
Perkins, Paul  
Soucy, Richard  
Wheeler, Craig

Alukonis, David  
Calawa, Leon, Jr.  
Ferguson, Charles  
Haettenschwiller, Alphonse  
Hussey, Mary  
Kirby, Thomas  
Melcher, Harold  
Reidy, Frank  
Streeter, Janice  
White, Donald

Asselin, Robert  
Cote, Peter  
Foster, Linda  
Hall, Betty  
Jean, Claudette  
MacGillivray, Jeffrey  
O'Hearn, Jane  
Sargent, Maxwell  
Sullens, Joan  
White, John

### MERRIMACK

Barberia, Richard  
Dunn, Miriam  
Kennedy, Richard  
Owen, Derek  
Wallner, Mary Jane

Chandler, Charles  
Fraser, Marilyn  
Lamach, Bernard  
Rogers, Katherine  
Yeaton, Charles

Crosby, Toni  
Hess, David  
Lockwood, Robert  
Trombly, Rick

Daneault, Gabriel  
Jacobson, Alf  
Moore, Carol  
Varsalone, Robert

### ROCKINGHAM

Abbott, Dennis  
Crossman, Harold, Jr.

Clark, Martha  
Dowling, Patricia

Clark, Vivian  
Gargiulo, Louis

Coes, Betsy  
Gorman, Donald

Kane, Cecelia  
McGovern, Cynthia  
Weyler, Kenneth

Kelley, Jane  
Pantelakos, Laura

Kruse, Fred  
Sytek, Donna

McCarthy, John, Jr.  
Sytek, John

### STRAFFORD

Berube, Roger  
DeChane, Marlene  
Hemon, Roland  
Loder, Suzanne  
Merritt, Deborah  
Wall, Janet

Brown, George  
Dunlap, Patricia  
Hilliard, Dana  
Lundborn, Raymond  
Pelletier, Arthur  
Wheeler, Katherine

Callaghan, Frank  
Grassie, Anne  
Keans, Sandra  
McCann, William, Jr.  
Snyder, Clair  
Williams, Howard

Chagnon, Ronald  
Hambrick, Patricia  
Knowles, William  
Merrill, Amanda  
Torr, Ann

### SULLIVAN

Allison, David  
Whipple, Allen

Behrens, Thomas

Cloutier, John

Stettenheim, Sandy

### NAYS 195

### BELKNAP

Bartlett, Gordon  
Hurt, George  
Rice, Thomas, Jr.  
Wendelboe, Francine

Boriso, Thomas  
Johnson, James  
Rosen, Ralph  
Ziegler, Alice

Cain, Thomas  
Lawton, David  
Thomas, John

Holbrook, Robert  
Lawton, Robert  
Turner, Robert

### CARROLL

Babson, David, Jr.  
Cooper, Kipp  
Kenney, Joseph

Beach, Mildred  
Dickinson, Howard, Jr.  
Lyman, L. Randy

Bradley, Jeb  
Foster, Robert  
Patten, Betsey

Chandler, Gene  
Howard, Godfrey  
Philbrick, Donald

### CHESHIRE

Avery, Stephen  
Laurent, John  
Steere, Myron, III

Cole, Stacey  
Manning, Joseph

Feuer, Joseph  
McNamara, Wanda

Hunt, John  
Smith, Edwin

### COOS

Davis, Perley  
Pratt, Leighton

Guay, Lawrence  
St. Hilaire, Paul

Horton, Lynn

Merrill, Gerald

### GRAFTON

Adams, Carl  
Cobbin, Philip  
Ham, Bonnie

Bean, Pamela  
Connolly, Steven  
MacNeil, Allen

Brown, Channing  
Eaton, Stephanie  
Phinney, William

Chase, Paul, Jr.  
Guaraldi, Lawrence  
Williams, William, Jr.

### HILLSBOROUGH

Aksten, Cheryl  
Barry, Janet  
Burke, M. Virginia  
Clegg, Robert, Jr.  
Dwyer, Paul, Sr.  
Fenton, James  
Gibson, John  
Holley, Sylvia  
Krochmal, Mark  
Legacy, Earl  
McMahon, Donald  
Milligan, Robert  
Pappas, Marc  
Searles, Stanley, Sr.  
Wells, Peter, Sr.

Amidon, Eleanor  
Belvin, William  
Cepaitis, Elizabeth  
Daniels, Gary  
Dyer, Merton  
Fields, Dennis  
Gotham, Rita  
Hunter, Bruce  
Kurk, Neal  
Letendre, Evelyn  
McRae, Karen  
Mittelman, David  
Pepino, Leo  
Showerman, Peter  
Wheeler, Robert

Andrews, Frederick  
Boutin, David  
Chabot, Robert  
Dodge, Emma  
Emerton, Lawrence, Sr.  
Francoeur, Gary  
Hallyburton, Margaret  
Jean, Loren  
L'Heureux, Robert  
Luebker, Bernard  
Mercer, Robert  
Morello, Michael  
Peters, Stanley  
Thulander, O. Alan  
Wright, George

Arnold, Thomas, Jr.  
Brundige, Robert  
Champagne, Norma  
Durham, Susan  
Feng, David  
Franks, Suzan  
Hansen, Herbert  
Kelley, Robert  
LaRose, Richard  
Marcinkowski, Michael  
Messier, Irene  
Packard, Bonnie  
Sallada, Roland  
Turgeon, Roland

**MERRIMACK**

Adams, Stephen	Chandler, John	Crowell, Peter	Feuerstein, Martin
Holmes, Mary	Morrill, Olive	Nichols, Avis	Patenaude, Amy
Pfaff, Terence	Pitman, Mary Ellen	Shaw, Randall	Whalley, Michael
Whittemore, James	Willis, Jack		

**ROCKINGHAM**

Aranda, M. Kathryn	Arndt, Janet	Battles, Marjorie	Beaulieu, Jon
Belanger, Ronald	Bishop, Franklin	Boucher, William	Camm, Kevin
Carson, Gregory	Case, Margaret	Christie, Andrew, Jr.	Conroy, Janet
Cote, Patricia	Dodge, Robert	Dube, LeRoy	Dunham, Vivian
Felch, Charles, Sr.	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John, Sr.	Gage, Beverly	Gleason, John	Goddard, Warren
Hawkins, Robert	Haynes, Richard	Henderson, Warren	Hurst, Sharleene
Johnson, Robert	Katsakiores, George	Klemm, Arthur, Jr.	Kobel, Rudolph
Langley, Jane	Lovejoy, Marian	Malcolm, Ken	McKinney, Betsy
Moore, Benjamin	Morris, Debbie	Nowe, Ronald	Noyes, Richard
Packard, Sherman	Pratt, Katharin	Putnam, Ed, II	Raynowska, Bernard
Ross, James	Scanlon, Edward	Senter, Marilyn	Smith, Arthur
Stone, Joseph	Stritch, C. Donald	Syracusa, Anthony	Tufts, J. Arthur
Vaughn, Charles	Weare, Everett	Welch, David	Yennaco, Carol

**STRAFFORD**

Brown, Julie	Douglass, Clyde	McKinley, Robert	Nehring, William
Reynolds, Charles	Spear, Barbara	Torr, Franklin	

**SULLIVAN**

Adler, Rudolf	Flint, Gordon	Krueger, Richard	Lindblade, Eric
Peyron, Fredrik	Schotanus, Merle		

and lacking the necessary two-thirds, the veto was sustained.

Reps. Barberia, Gagnon and McCarty voted yea and intended to vote nay.

Reps. Hill and Linda Smith did not vote and intended to vote nay.

Reps. Copenhaver, Langer and Royce wished to be recorded against.

Rep. Lozeau declared a conflict of interest and did not participate.

**GOVERNOR'S VETO MESSAGE ON HOUSE BILL 332**

June 19, 1995

To the Honorable Members of The General Court:

Today I have vetoed HB 332, another bill designed to deal in a piecemeal manner with our Health and Human Service system. This bill spends \$4.6 million to provide services for certain individuals that Health and Human Services placed on a waiting list. The Department recommended this approach to certain spending and to help the Department deal with increasing case loads and expenditures. We should not undercut that effort.

Just as seriously, the bill will spend any 1995 surplus as the funding source for this program and requires it to be spent only on the wait-list program. I cannot support this measure because the surplus account was not designed to fund special, individual programs. This would set a dangerous precedent for our budget process. At a time when each agency is prioritizing its budgets and cutting spending accordingly, I cannot give special preference to one interest group.

There is no historical precedent for budgeting a program in this manner.

I am proud that the developmental disabilities' system in this State continues to address the needs of developmentally disabled individuals and their families who care for them. I continue to support these programs and commend the community mental health facilities for their commitment and service. Because of their dedication and expertise, our system has received a reputation for providing the best, most efficient services in the nation.

I pledge to protect our tradition and I support the sponsors' efforts to ensure that these individuals receive the services they need. The Department has assured me that the current program

is capable of identifying and servicing those individuals most in need of help. The Division of Mental Health, in cooperation with the community mental health centers, has mechanisms in place to protect those most in need. This bill would also have a negative impact on those already receiving services. Through this one-time appropriation, the total number of individuals receiving aid would increase. As a result, the base costs for the developmental services system as a whole would increase. Those currently in the system would realize a decrease in service and this would leave the entire system in jeopardy.

I veto this bill because we are facing a fiscal shortfall in this State that must be handled systematically. Throughout the budget process, I have worked with you to determine the allocation of existing resources and to streamline government services to assure that the neediest receive the most care, and taxpayers' dollars are spent wisely. To achieve those goals, each program must be considered within the context of the entire budget. Piecemeal implementation of special projects undermines the budget process and eliminates our ability to judge each program against the merits of others.

The efficiencies that result from the Departmental reorganization will permit us to extend services to more individuals who seek benefits. This bill, though laudable in its intent, must not receive special treatment at the expense of other worthwhile programs. There are many areas that can make a case for additional funding.

The Department of Health and Human Services is making historic changes in its organization and the manner in which it delivers services to all clients. As I previously indicated in my veto of HB 560, each part of the health care delivery system must be considered as part of the whole, or disparate treatment of individual programs will occur. It is both premature and harmful to the reorganization efforts to create this budget surplus invasion.

Stephen Merrill, Governor

The question being, notwithstanding the Governor's veto, shall **HB 332**, providing for certain services for the developmentally disabled and making an appropriation therefor, pass?

Reps. Kurk and Wendelboe spoke against.

Rep. Reidy requested a quorum count. The Speaker declared a quorum present.

Reps. Senter, Amidon, Reidy, Ferguson, Dowling and Burnham spoke in favor.

Rep Jacobson spoke in favor and yielded to questions.

As required by the State Constitution, a roll call was taken.

## YEAS 212 - NAYS 128

### YEAS 212

#### BELKNAP

Bartlett, Gordon	Lawton, Robert	Smith, Linda	Ziegler, Alice
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#### CARROLL

Cooper, Kipp	Foster, Robert	Kenney, Joseph
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#### CHESHIRE

Avery, Stephen	Burnham, Daniel	Champagne, Richard	Cole, Stacey
DePecol, Benjamin	Feuer, Joseph	Kingsbury, H. Thayer	Laurent, John
Lynch, Margaret	Manning, Joseph	McGuirk, Paul	Pratt, Irene
Richardson, Barbara	Riley, William	Robertson, Timothy	Russell, Ronald
Wollner, Robert			

#### COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Guay, Lawrence	Hawkinson, Marie	Horton, Lynn	Mayhew, Josephine
Mears, Edgar	Pratt, Leighton	St. Hilaire, Paul	

#### GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Channing
Crory, Elizabeth	Guaraldi, Lawrence	Guest, Robert	Ham, Bonnie

LaMott, Paul  
Nordgren, Sharon  
Williams, William, Jr.

Larson, Nils, Jr.  
Phinney, William

Lovett, Sidney  
Scanlan, David

Mirski, Paul  
Teschner, Douglass

### HILLSBOROUGH

Ahern, Richard  
Asselin, Robert  
Chabot, Robert  
Durham, Susan  
Fenton, James  
Franks, Suzan  
Hallyburton, Margaret  
Johnson, Lionel  
LaRose, Richard  
Martin, Mary  
Messier, Irene  
Packard, Bonnie  
Soucy, Donna  
Taylor, Paul  
White, Donald

Allen, W. Gordon  
Bergeron, Normand  
Cote, Peter  
Dwyer, Paul, Sr.  
Ferguson, Charles  
Gagnon, Eugene  
Hart, Nick  
Kane, Laura  
Laughlin, J. Francis  
McCarthy, William  
Morello, Michael  
Peters, Stanley  
Soucy, Richard  
Turgeon, Roland  
White, John

Alukonis, David  
Buckley, Raymond  
Dokmo, Cynthia  
Dyer, Merton  
Fields, Dennis  
Haettenschwiller, Alphonse  
Hussey, Mary  
Kirby, Thomas  
Lozeau, Donnalee  
McRae, Karen  
O'Hearn, Jane  
Reidy, Frank  
Streeter, Janice  
Wheeler, Craig

Amidon, Eleanor  
Cepaitis, Elizabeth  
Drabinowicz, A. Theresa  
Emerton, Lawrence, Sr.  
Foster, Linda  
Hall, Betty  
Jean, Claudette  
L'Heureux, Robert  
Marcinkowski, Michael  
Melcher, Harold  
O'Rourke, Joanne  
Sargent, Maxwell  
Sullens, Joan  
Wheeler, Robert

### MERRIMACK

Chandler, Charles  
Crosby, Toni  
Feuerstein, Martin  
Lockwood, Robert  
Owen, Derek  
Wallner, Mary Jane

Chandler, Earle  
Crowell, Peter  
Fraser, Marilyn  
Moore, Carol  
Rogers, Katherine  
Whalley, Michael

Chandler, John  
Daneault, Gabriel  
Holmes, Mary  
Morrill, Olive  
Shaw, Randall  
Yeaton, Charles

Coughlin, Anne  
Dunn, Miriam  
Jacobson, Alf  
Newland, Matthew  
Trombly, Rick

### ROCKINGHAM

Abbott, Dennis  
Christie, Andrew, Jr.  
Crossman, Harold, Jr.  
Fesh, Robert  
Gorman, Donald  
Kane, Cecelia  
Klemm, Arthur, Jr.  
Lovejoy, Marian  
Nowe, Ronald  
Senter, Marilyn  
Tufts, J. Arthur  
Weyler, Kenneth

Aranda, M. Kathryn  
Clark, Martha  
Dodge, Robert  
Flanders, John, Sr.  
Hawkins, Robert  
Katsakiores, George  
Kobel, Rudolph  
Lupien, James  
Pantelakos, Laura  
Stritch, C. Donald  
Vaughn, Charles

Bishop, Franklin  
Coes, Betsy  
Dowd, Sandra  
Gage, Beverly  
Hurst, Sharleene  
Katsakiores, Phyllis  
Kruse, Fred  
McGovern, Cynthia  
Pratt, Katharin  
Syracusa, Anthony  
Weare, Everett

Case, Margaret  
Conroy, Janet  
Dowling, Patricia  
Gleason, John  
Johnson, Robert  
Kelley, Jane  
Langley, Jane  
McKinney, Betsy  
Raynowska, Bernard  
Sytek, Donna  
Welch, David

### STRAFFORD

Berube, Roger  
Chagnon, Ronald  
Hambrick, Patricia  
Knowles, William  
Merrill, Amanda  
Spear, Barbara  
Wheeler, Katherine

Brown, George  
DeChane, Marlene  
Hemon, Roland  
Loder, Suzanne  
Merritt, Deborah  
Torr, Ann  
Williams, Howard

Brown, Julie  
Dunlap, Patricia  
Hilliard, Dana  
Lundborn, Raymond  
Pelletier, Arthur  
Torr, Franklin

Callaghan, Frank  
Grassie, Anne  
Keans, Sandra  
McCann, William, Jr.  
Snyder, Clair  
Wall, Janet

### SULLIVAN

Allison, David  
Lindblade, Eric

Cloutier, John  
Schotanus, Merle

Flint, Gordon  
Stettenheim, Sandy

Krueger, Richard  
Whipple, Allen

### NAYS 128

### BELKNAP

Boriso, Thomas  
Johnson, James  
Thomas, John

Cain, Thomas  
Lawton, David  
Turner, Robert

Holbrook, Robert  
Rice, Thomas, Jr.  
Wendelboe, Francine

Hurt, George  
Rosen, Ralph

**CARROLL**

Babson, David, Jr.  
Dickinson, Howard, Jr.  
Patten, Betsey

Beach, Mildred  
Howard, Godfrey  
Philbrick, Donald

Bradley, Jeb  
Lyman, L. Randy

Chandler, Gene  
Mock, Henry

**CHESHIRE**

Delano, Robert  
Steere, Myron, III

Hunt, John

McNamara, Wanda

Smith, Edwin

**COOS**

Merrill, Gerald

**GRAFTON**

Chase, Paul, Jr.  
Hill, Richard

Cobbin, Philip  
MacNeil, Allen

Connolly, Steven  
Trelfa, Richard

Eaton, Stephanie

**HILLSBOROUGH**

Aksten, Cheryl  
Belvin, William  
Calawa, Leon, Jr.  
Dodge, Emma  
Gotham, Rita  
Holley, Sylvia  
Krochmal, Mark  
Luebker, Bernard  
Mercer, Robert  
Pepino, Leo  
Showerman, Peter  
Wright, George

Andrews, Frederick  
Boutin, David  
Champagne, Norma  
Feng, David  
Goulet, Maurice  
Hunter, Bruce  
Kurk, Neal  
MacGillivray, Jeffrey  
Milligan, Robert  
Perkins, Paul  
Thulander, O. Alan

Arnold, Thomas, Jr.  
Brundige, Robert  
Clegg, Robert, Jr.  
Francoeur, Gary  
Hansen, Herbert  
Jean, Loren  
Legacy, Earl  
McCarty, Winston  
Mittelman, David  
Sallada, Roland  
Wells, Peter, Sr.

Barry, Janet  
Burke, M. Virginia  
Daniels, Gary  
Gibson, John  
Holden, Carol  
Kelley, Robert  
Letendre, Evelyn  
McMahon, Donald  
Pappas, Marc  
Searles, Stanley, Sr.  
Worthen, Dorothy

**MERRIMACK**

Adams, Stephen  
Nichols, Avis  
Whittemore, James

Barberia, Richard  
Patenau, Amy  
Willis, Jack

Hess, David  
Pfaff, Terence

Lamach, Bernard  
Pitman, Mary Ellen

**ROCKINGHAM**

Arndt, Janet  
Boucher, William  
Cote, Patricia  
Flanagan, Natalie  
Haynes, Richard  
Moore, Benjamin  
Putnam, Ed, II  
Stone, Joseph

Battles, Marjorie  
Camm, Kevin  
Dube, LeRoy  
Flanders, David  
Henderson, Warren  
Morris, Debbie  
Ross, James  
Sytek, John

Beaulieu, Jon  
Carson, Gregory  
Dunham, Vivian  
Gargiulo, Louis  
Malcolm, Ken  
Noyes, Richard  
Scanlon, Edward  
Yennaco, Carol

Belanger, Ronald  
Clark, Vivian  
Felch, Charles, Sr.  
Goddard, Warren  
McCarthy, John, Jr.  
Packard, Sherman  
Smith, Arthur

**STRAFFORD**

Douglass, Clyde

McKinley, Robert

Nehring, William

Reynolds, Charles

**SULLIVAN**

Adler, Rudolf

Behrens, Thomas

Peyron, Fredrik

Scott, Robert

and lacking the necessary two thirds, the veto was sustained.

Rep. DeStefano did not vote and intended to vote yea.

Reps. Copenhaver and Royce wished to be recorded in favor.

Rep. Langer wished to be recorded against.

**GOVERNOR'S VETO MESSAGE ON HOUSE BILL 515**

April 24, 1995

To the Honorable Members of the General Court:

I have today vetoed HB 515, an Act which supports the Liquor Commission's recommendation to repeal the liquor and wine import warehouse license, and taking other actions under Title XIII. I veto this legislation because I am concerned with the provision of the bill that would repeal the liquor and wine import warehouse license.

This bill is special legislation designed to remove the possibility of competition from one aspect of the liquor and wine business. I cannot endorse such an action; in fact I favor greater

private sector involvement and free market conditions within the liquor industry. I believe more competition within the liquor and wine industry can lower the price of the products to consumers and increase revenue to the State.

The liquor and wine warehousing license procedure currently in effect has never been subject to abuse. The license provides an opportunity for the private sector to maintain and operate warehouses for the storage of liquor and wine under appropriate circumstances controlled by the Liquor Commission.

Throughout the liquor and wine business nationally, regionalization is taking place. New Hampshire liquor and wine vendors cannot now realistically compete on an equal footing with some of the larger importers located outside New Hampshire. This legislation would repeal the liquor and wine import warehouse license in an apparent effort to keep control of New Hampshire's liquor and wine business in New Hampshire.

I understand the goal, but the bill creates two problems. The first is that a single New Hampshire business already has been given an importer and wholesaler license. This business would be grandfathered in place, while all other New Hampshire companies would be excluded. Second, regionalization if properly controlled by the Commission could increase competition and thereby increase revenue to the State through increased liquor and wine sales at lower prices.

The Liquor Commission is under no legal compulsion to grant such licenses if it does not believe doing so is in the best interest of New Hampshire. The Commission can properly regulate the issuance of importer and wholesaler licenses. Passing this special legislation to prohibit market conditions that already exist throughout the country will not work. Rather, the Liquor Commission should establish regulations, policies and procedures to deal with a changing industry. Unfortunately, the Commission seems to prefer the status quo.

Yet problems already exist within the New Hampshire liquor industry concerning regionalization, the ownership of our suppliers, providing a competitive environment for transportation of liquor and wine, and a better system for warehousing such beverages. These problems will not go away, and cannot be legislated away; they need Liquor Commission attention. So does the issue of liquor warehousing.

The Liquor Commission should not be permitted to step away from its responsibilities to regulate and improve quality services to the public in light of industry changes. This legislation permits the commission to do just that.

I applaud the innovation and entrepreneurship of the New Hampshire vendor who currently holds the importer and warehouse license. However, rather than dealing with the warehousing issue on a uniform basis, the Commission has proposed legislation to grandfather this company in place to the exclusion of all others. It may well be that the Liquor Commission will not grant additional importer and warehouse licenses based on market conditions, economic conditions or monopolistic considerations. For example, the Commission could propose regulations to prohibit any one company or group from possessing a controlling interest in the State's market. It can encourage competition and still make certain that New Hampshire interests are protected.

The Liquor Commission has suggested that there could be a loss of bailment revenues if additional companies are granted the liquor and wine import warehouse license now held by one company. If this is a possibility, steps should be taken to address any such loss in revenue. These might include increased revenue through the benefits of lowering the costs of beverages and an appropriate license fee.

It is sad to note that this legislation is supported by the Liquor Commission at a time when the Legislative Budget Office has concluded that the Commission is mismanaged in a number of significant respects. Those who worry about the adverse potential of liquor warehousing should note that the recent LBA audit revealed that the current warehouse system operated by the State suffered losses of over half a million dollars (\$527,104) from 1988 to 1993.

I cannot endorse the Commission's current philosophy that seeks to deny market changes rather than meet the requirements of a rapidly changing and growing liquor industry. By encouraging fair, market-driven economic competition, the Liquor Commission will acknowledge what the private sector clearly understands: the status quo is no longer acceptable. I cannot endorse this bill because I believe the Commission's overall regulatory philosophy needs to be reviewed, and this bill is a good example of the reason why.

Stephen Merrill, Governor



The question being, notwithstanding the Governor's veto, shall **HB 515**, authorizing the liquor commission to determine the location of agency stores, repealing the liquor and wine import warehouser license, and prohibiting liquor/wine/beverage warehouser licensees from holding other licenses under title XIII, pass.

As required by the State Constitution, a roll call was taken.

## YEAS 104 - NAYS 235

### YEAS 104

#### BELKNAP

Lawton, David

#### CARROLL

None

#### CHESHIRE

Champagne, Richard  
McGuirk, Paul  
Robertson, Timothy

DePecol, Benjamin  
Pratt, Irene  
Russell, Ronald

Kingsbury, H. Thayer  
Richardson, Barbara  
Wollner, Robert

Lynch, Margaret  
Riley, William

#### COOS

Coulombe, Henry  
Mayhew, Josephine

Guay, Lawrence  
Mears, Edgar

Hawkinson, Marie

Horton, Lynn

#### GRAFTON

Below, Clifton  
LaMott, Paul

Crory, Elizabeth  
Lovett, Sidney

Guest, Robert  
Nordgren, Sharon

Ham, Bonnie  
Scanlan, David

#### HILLSBOROUGH

Ahern, Richard  
Buckley, Raymond  
Foster, Linda  
Jean, Claudette  
Laughlin, J. Francis  
Melcher, Harold  
Soucy, Donna  
White, Donald

Allen, W. Gordon  
Cote, Peter  
Haettenschwiller, Alphonse  
Kane, Laura  
Marcinkowski, Michael  
O'Rourke, Joanne  
Soucy, Richard  
White, John

Asselin, Robert  
Drabinowicz, A. Theresa  
Hall, Betty  
Kelley, Robert  
Martin, Mary  
Reidy, Frank  
Streeter, Janice

Bergeron, Normand  
Dwyer, Paul, Sr.  
Hussey, Mary  
Kirby, Thomas  
McCarthy, William  
Sargent, Maxwell  
Sullens, Joan

#### MERRIMACK

Chandler, Charles  
Dunn, Miriam  
Owen, Derek  
Wallner, Mary Jane

Coughlin, Anne  
Fraser, Marilyn  
Rogers, Katherine  
Yeaton, Charles

Crosby, Toni  
Moore, Carol  
Trombly, Rick

Daneault, Gabriel  
Newland, Matthew  
Varsalone, Robert

#### ROCKINGHAM

Abbott, Dennis  
Hawkins, Robert  
McGovern, Cynthia  
Vaughn, Charles

Clark, Martha  
Henderson, Warren  
Noyes, Richard

Coes, Betsy  
Kane, Cecelia  
Syracusa, Anthony

Gage, Beverly  
Kelley, Jane  
Sytek, John

#### STRAFFORD

Brown, George  
Hambrick, Patricia  
Knowles, William  
Merrill, Amanda  
Torr, Ann

Callaghan, Frank  
Hemon, Roland  
Loder, Suzanne  
Merritt, Deborah  
Wheeler, Katherine

Chagnon, Ronald  
Hilliard, Dana  
Lundborn, Raymond  
Pelletier, Arthur  
Williams, Howard

Grassie, Anne  
Keans, Sandra  
McCann, William, Jr.  
Snyder, Clair

#### SULLIVAN

Allison, David

Stettenheim, Sandy

**NAYS 235****BELKNAP**

Bartlett, Gordon  
Hurt, George  
Rosen, Ralph  
Wendelboe, Francine

Boriso, Thomas  
Johnson, James  
Smith, Linda  
Ziegra, Alice

Cain, Thomas  
Lawton, Robert  
Thomas, John

Holbrook, Robert  
Rice, Thomas, Jr.  
Turner, Robert

**CARROLL**

Babson, David, Jr.  
Cooper, Kipp  
Kenney, Joseph  
Philbrick, Donald

Beach, Mildred  
Dickinson, Howard, Jr.  
Lyman, L. Randy

Bradley, Jeb  
Foster, Robert  
Mock, Henry

Chandler, Gene  
Howard, Godfrey  
Patten, Betsey

**CHESHIRE**

Avery, Stephen  
Feuer, Joseph  
McNamara, Wanda

Burnham, Daniel  
Hunt, John  
Smith, Edwin

Cole, Stacey  
Laurent, John  
Steere, Myron, III

Delano, Robert  
Manning, Joseph

**COOS**

Bradley, Paula  
Pratt, Leighton

Coulombe, Yvonne  
St. Hilaire, Paul

Davis, Perley

Merrill, Gerald

**GRAFTON**

Adams, Carl  
Cobbin, Philip  
Hill, Richard  
Teschner, Douglass

Bean, Pamela  
Connolly, Steven  
Larson, Nils, Jr.  
Trelfa, Richard

Brown, Channing  
Eaton, Stephanie  
MacNeil, Allen  
Williams, William, Jr.

Chase, Paul, Jr.  
Guaraldi, Lawrence  
Phinney, William

**HILLSBOROUGH**

Aksten, Cheryl  
Arnold, Thomas, Jr.  
Brundige, Robert  
Chabot, Robert  
Dodge, Emma  
Emerton, Lawrence, Sr.  
Fields, Dennis  
Gibson, John  
Hansen, Herbert  
Hunter, Bruce  
Kurk, Neal  
Letendre, Evelyn  
McCarty, Winston  
Messier, Irene  
O'Hearn, Jane  
Perkins, Paul  
Showerman, Peter  
Wells, Peter, Sr.  
Wright, George

Alukonis, David  
Barry, Janet  
Burke, M. Virginia  
Champagne, Norma  
Dokmo, Cynthia  
Feng, David  
Francoeur, Gary  
Gotham, Rita  
Hart, Nick  
Jean, Loren  
L'Heureux, Robert  
Lozeau, Donnalee  
McMahon, Donald  
Milligan, Robert  
Packard, Bonnie  
Peters, Stanley  
Taylor, Paul  
Wheeler, Craig

Amidon, Eleanor  
Belvin, William  
Calawa, Leon, Jr.  
Clegg, Robert, Jr.  
Durham, Susan  
Fenton, James  
Franks, Suzan  
Goulet, Maurice  
Holden, Carol  
Johnson, Lionel  
LaRose, Richard  
Luebker, Bernard  
McRae, Karen  
Mittelman, David  
Pappas, Marc  
Sallada, Roland  
Thulander, O. Alan  
Wheeler, Robert

Andrews, Frederick  
Boutin, David  
Cepaitis, Elizabeth  
Daniels, Gary  
Dyer, Merton  
Ferguson, Charles  
Gagnon, Eugene  
Hallyburton, Margaret  
Holley, Sylvia  
Krochmal, Mark  
Legacy, Earl  
MacGillivray, Jeffrey  
Mercer, Robert  
Morello, Michael  
Pepino, Leo  
Searles, Stanley, Sr.  
Turgeon, Roland  
Worthen, Dorothy

**MERRIMACK**

Adams, Stephen  
Crowell, Peter  
Jacobson, Alf  
Nichols, Avis  
Shaw, Randall

Barberia, Richard  
Feuerstein, Martin  
Lamach, Bernard  
Patenaude, Amy  
Whalley, Michael

Chandler, Earle  
Hess, David  
Lockwood, Robert  
Pfaff, Terence  
Whittemore, James

Chandler, John  
Holmes, Mary  
Morrill, Olive  
Pitman, Mary Ellen  
Willis, Jack

**ROCKINGHAM**

Aranda, M. Kathryn	Arndt, Janet	Battles, Marjorie	Beaulieu, Jon
Belanger, Ronald	Bishop, Franklin	Boucher, William	Camm, Kevin
Carson, Gregory	Case, Margaret	Christie, Andrew, Jr.	Clark, Vivian
Conroy, Janet	Cote, Patricia	Crossman, Harold, Jr.	Dodge, Robert
Dowd, Sandra	Dowling, Patricia	Dube, LeRoy	Dunham, Vivian
Felch, Charles, Sr.	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John, Sr.	Gargiulo, Louis	Gleason, John	Goddard, Warren
Gorman, Donald	Haynes, Richard	Hurst, Sharleene	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph
Kruse, Fred	Langley, Jane	Lovejoy, Marian	Lupien, James
Malcolm, Ken	McCarthy, John, Jr.	McKinney, Betsy	Moore, Benjamin
Morris, Debbie	Nowe, Ronald	Packard, Sherman	Pratt, Katharin
Putnam, Ed, II	Raynowska, Bernard	Ross, James	Scanlon, Edward
Senter, Marilyn	Smith, Arthur	Stone, Joseph	Stritch, C. Donald
Sytek, Donna	Tufts, J. Arthur	Weare, Everett	Welch, David
Weyler, Kenneth	Yennaco, Carol		

**STRAFFORD**

Berube, Roger	Brown, Julie	DeChane, Marlene	Douglass, Clyde
Dunlap, Patricia	McKinley, Robert	Nehring, William	Reynolds, Charles
Spear, Barbara	Torr, Franklin	Wall, Janet	

**SULLIVAN**

Adler, Rudolf	Behrens, Thomas	Cloutier, John	Flint, Gordon
Krueger, Richard	Lindblade, Eric	Peyron, Fredrik	Schotanus, Merle
Scott, Robert	Whipple, Allen		

and lacking the necessary two-thirds, the veto was sustained.

Rep. Copenhaver wished to be recorded in favor.

Reps. Langer and Royce wished to be recorded against.

**GOVERNOR'S VETO MESSAGE ON HOUSE BILL 560**

June 5, 1995

To The Honorable Members of the General Court:

I hereby veto H. 560-FN-A, which seeks to increase the rates for residential care providers. This bill would pre-empt the plans of the Department of Health and Human Services to structure changes in the entire system of the long-term care service delivery system. I am concerned that this bill, if enacted, will impede the State's efforts to restructure rate setting and pricing methodologies for all health and social service programs. These areas are an essential part of the proposed reorganization and reengineering of the Department of Health and Human Services.

Furthermore, this bill calls for an expenditure of \$600,000, \$300,000 from the General Fund. This appropriation was not included in the budget submitted to the General Court, and the funds are simply not available at this time.

I understand that this bill resulted from a study committee, which recognized that residential care facilities often fill gaps within the long-term care service delivery system. This is precisely why we should delay this action until we have studied residential care within the total structure of long-term care in New Hampshire. Each piece of the health care delivery system must be seen as part of the whole or disparate treatment will occur. All providers should be considered simultaneously. A disjointed approach, as has been the practice for so many years, has caused many of the inefficiencies and fiscal problems we face today. We need a more comprehensive approach to accomplish these important systemwide reforms and savings. This bill may attempt to provide financial relief for residential care providers in the short run, but as a result, we may not accomplish significant service delivery reform in the long run.

I appreciate the time and effort spent by the study committee and feel that the Department of Health and Human Services should consider the committee's findings as it develops its strategy to address the health care needs of the citizens of this State. A major purpose of HB 55, already

signed into law, is to ensure that the Department is more effective in carrying out its mission of meeting needs of the citizens of the State in the most efficient manner possible. Using the study committee's findings in this important area would be one good way to do so.

HB 55 specifically grants authority to the Department to develop a plan which is designed to meet the challenges we face in addressing increasing costs for health care services, including those provided for in HB 560. HB 55 provides the authority to enact necessary changes, both in budgetary modifications and in service delivery mechanisms. Should the Commissioner, working with the Legislature, determine that the findings and recommendations of the study committee should be adopted, I will support that action. Then the necessary steps, including a request for an amendment to the federal Home and Community-Based Care waiver for the elderly and chronically ill can be undertaken.

This veto attempts to place residential care and other long-term care reforms within the larger context of the entire service delivery system, which is currently being considered through the passage of HB 55.

Stephen Merrill, Governor

The question being, notwithstanding the Governor's veto, shall **HB 560**, establishing a residential care pilot program and making an appropriation therefor, pass?

Reps. Ferguson, Linda Foster and Manning spoke in favor.

As required by the State Constitution, a roll call was taken.

## YEAS 180 - NAYS 154

### YEAS 180

#### BELKNAP

Smith, Linda	Wendelboe, Francine	Ziegra, Alice
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#### CARROLL

Kenney, Joseph

#### CHESHIRE

Avery, Stephen	Burnham, Daniel	Champagne, Richard	DePecol, Benjamin
Feuer, Joseph	Kingsbury, H. Thayer	Lynch, Margaret	Manning, Joseph
McGuirk, Paul	Pratt, Irene	Richardson, Barbara	Riley, William
Robertson, Timothy	Russell, Ronald	Wollner, Robert	

#### COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Hawkinson, Marie	Mayhew, Josephine	Mears, Edgar	Pratt, Leighton

#### GRAFTON

Bean, Pamela	Below, Clifton	Chase, Paul, Jr.	Crory, Elizabeth
Guest, Robert	Ham, Bonnie	LaMott, Paul	Larson, Nils, Jr.
Lovett, Sidney	MacNeil, Allen	Mirski, Paul	Nordgren, Sharon
Phinney, William	Scanlan, David	Teschner, Douglass	Trelfa, Richard
Williams, William, Jr.			

#### HILLSBOROUGH

Ahern, Richard	Allen, W. Gordon	Amidon, Eleanor	Andrews, Frederick
Asselin, Robert	Bergeron, Normand	Buckley, Raymond	Cepaitis, Elizabeth
Chabot, Robert	Cote, Peter	Dokmo, Cynthia	Drabinowicz, A. Theresa
Durham, Susan	Dwyer, Paul, Sr.	Dyer, Merton	Emerton, Lawrence, Sr.
Fenton, James	Ferguson, Charles	Fields, Dennis	Foster, Linda
Franks, Suzan	Haettenschwiller, Alphonse	Hall, Betty	Holden, Carol
Hussey, Mary	Jean, Claudette	Johnson, Lionel	Kane, Laura
Kelley, Robert	Kirby, Thomas	LaRose, Richard	Laughlin, J. Francis
Lozeau, Donnalee	Martin, Mary	McCarthy, William	McRae, Karen
Melcher, Harold	Messier, Irene	O'Hearn, Jane	O'Rourke, Joanne
Packard, Bonnie	Perkins, Paul	Peters, Stanley	Reidy, Frank

Sargent, Maxwell  
Sullens, Joan  
White, Donald

Soucy, Donna  
Taylor, Paul  
White, John

Soucy, Richard  
Turgeon, Roland

Streeter, Janice  
Wheeler, Craig

### MERRIMACK

Adams, Stephen  
Dunn, Miriam  
Holmes, Mary  
Owen, Derek  
Trombly, Rick  
Yeaton, Charles

Chandler, Charles  
Feuerstein, Martin  
Jacobson, Alf  
Patenaude, Amy  
Varsalone, Robert

Crosby, Toni  
Fraser, Marilyn  
Moore, Carol  
Rogers, Katherine  
Wallner, Mary Jane

Daneault, Gabriel  
Hess, David  
Newland, Matthew  
Shaw, Randall  
Whalley, Michael

### ROCKINGHAM

Abbott, Dennis  
Case, Margaret  
Coes, Betsy  
Dowling, Patricia  
Kane, Cecelia  
Langley, Jane  
Raynowska, Bernard  
Sytek, John

Aranda, M. Kathryn  
Christie, Andrew, Jr.  
Conroy, Janet  
Gage, Beverly  
Katsakiores, Phyllis  
Lovejoy, Marian  
Senter, Merilyn  
Tufts, J. Arthur

Belanger, Ronald  
Clark, Martha  
Crossman, Harold, Jr.  
Gorman, Donald  
Kelley, Jane  
Lupien, James  
Syracusa, Anthony  
Vaughn, Charles

Bishop, Franklin  
Clark, Vivian  
Dodge, Robert  
Hawkins, Robert  
Kruise, Fred  
Pratt, Katharin  
Sytek, Donna  
Weyler, Kenneth

### STRAFFORD

Berube, Roger  
Chagnon, Ronald  
Hemon, Roland  
Lundborn, Raymond  
Snyder, Clair  
Wheeler, Katherine

Brown, George  
DeChane, Marlene  
Hilliard, Dana  
McCann, William, Jr.  
Spear, Barbara  
Williams, Howard

Brown, Julie  
Grassie, Anne  
Knowles, William  
Merritt, Deborah  
Torr, Ann

Callaghan, Frank  
Hambrick, Patricia  
Loder, Suzanne  
Pelletier, Arthur  
Wall, Janet

### SULLIVAN

Allison, David  
Schotanus, Merle

Cloutier, John  
Stettenheim, Sandy

Flint, Gordon  
Whipple, Allen

Lindblade, Eric

### NAYS 154

### BELKNAP

Bartlett, Gordon  
Hurt, George  
Rice, Thomas, Jr.

Boriso, Thomas  
Johnson, James  
Rosen, Ralph

Cain, Thomas  
Lawton, David  
Thomas, John

Holbrook, Robert  
Lawton, Robert  
Turner, Robert

### CARROLL

Babson, David, Jr.  
Cooper, Kipp  
Mock, Henry

Beach, Mildred  
Dickinson, Howard, Jr.  
Patten, Betsey

Bradley, Jeb  
Howard, Godfrey  
Philbrick, Donald

Chandler, Gene  
Lyman, L. Randy

### CHESHIRE

Cole, Stacey  
McNamara, Wanda

Delano, Robert  
Smith, Edwin

Hunt, John  
Steere, Myron, III

Laurent, John

### COOS

Guay, Lawrence

Horton, Lynn

Merrill, Gerald

St. Hilaire, Paul

### GRAFTON

Adams, Carl  
Eaton, Stephanie

Brown, Channing  
Guaraldi, Lawrence

Cobbin, Philip  
Hill, Richard

Connolly, Steven

**HILLSBOROUGH**

Aksten, Cheryl	Alukonis, David	Arnold, Thomas, Jr.	Barry, Janet
Belvin, William	Brundige, Robert	Burke, M. Virginia	Calawa, Leon, Jr.
Champagne, Norma	Clegg, Robert, Jr.	Daniels, Gary	Dodge, Emma
Feng, David	Francoeur, Gary	Gagnon, Eugene	Gibson, John
Gotham, Rita	Goulet, Maurice	Hallyburton, Margaret	Hansen, Herbert
Hart, Nick	Holley, Sylvia	Hunter, Bruce	Jean, Loren
Krochmal, Mark	Kurk, Neal	L'Heureux, Robert	Legacy, Earl
Letendre, Evelyn	Luebker, Bernard	MacGillivray, Jeffrey	Marcinkowski, Michael
McCarty, Winston	McMahon, Donald	Mercer, Robert	Milligan, Robert
Mittelman, David	Morello, Michael	Pappas, Marc	Pepino, Leo
Sallada, Roland	Searles, Stanley, Sr.	Showerman, Peter	Thulander, O. Alan
Wells, Peter, Sr.	Wheeler, Robert	Worthen, Dorothy	Wright, George

**MERRIMACK**

Barberia, Richard	Chandler, Earle	Chandler, John	Crowell, Peter
Kennedy, Richard	Lamach, Bernard	Lockwood, Robert	Morrill, Olive
Nichols, Avis	Pfaff, Terence	Pitman, Mary Ellen	Whittemore, James
Willis, Jack			

**ROCKINGHAM**

Arndt, Janet	Battles, Marjorie	Beaulieu, Jon	Boucher, William
Camm, Kevin	Carson, Gregory	Cote, Patricia	Dowd, Sandra
Dube, LeRoy	Dunham, Vivian	Felch, Charles, Sr.	Fesh, Robert
Flanagan, Natalie	Flanders, David	Flanders, John, Sr.	Gargiulo, Louis
Gleason, John	Goddard, Warren	Haynes, Richard	Henderson, Warren
Hurst, Sharleene	Johnson, Robert	Katsakiores, George	Klemm, Arthur, Jr.
Kobel, Rudolph	Malcolm, Ken	McKinney, Betsy	Moore, Benjamin
Morris, Debbie	Nowe, Ronald	Noyes, Richard	Packard, Sherman
Putnam, Ed, II	Ross, James	Scanlon, Edward	Smith, Arthur
Stone, Joseph	Stritch, C. Donald	Weare, Everett	Welch, David
Yennaco, Carol			

**STRAFFORD**

Douglass, Clyde	Dunlap, Patricia	McKinley, Robert	Nehring, William
Reynolds, Charles	Torr, Franklin		

**SULLIVAN**

Adler, Rudolf	Behrens, Thomas	Krueger, Richard	Peyron, Fredrik
Scott, Robert			

and lacking the necessary two-thirds, the veto was sustained.

Rep. Copenhaver wished to be recorded in favor.

Reps. Langer and Royce wished to be recorded against.

**SENATE MESSAGE**

The Senate has voted to sustain the Governor's vetoes on the following bills:

**SB 57-FN**, requiring the department of resources and economic development, the office of state planning, Pease development authority, and the business finance authority to make annual reports on their economic development programs and establishing a committee to study the Pease development authority.

**SB 82**, relative to appointments to state boards and commissions.

**RECESS**

(Rep. Cole in the Chair)

**COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL**

**HB 1-A**, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1996, and June 30, 1997. (Report printed SJ 25, 6/29/95)

Rep. Bergeron requested a quorum count. The Chair declared a quorum present.

Rep. Channing Brown spoke in favor and yielded to questions.

Rep. Jacobson spoke to the report.

Adopted.

Rep. Sabella wished to be recorded in favor.

Reps. Copenhaver and DePecol wished to be recorded against.

### COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL

**HB 2-FN**, relative to state fees, funds, revenues and expenditures. (Report printed SJ 25, 6/29/95)

Reps. Frank Torr and Schotanus spoke in favor.

Reps. Jacobson and Hall spoke against.

Rep. Kurk spoke against and yielded to questions.

Rep. Trombly spoke in favor and yielded to questions.

Reps. Channing Brown, Schotanus and Frank Torr yielded to questions.

Rep. Ann Torr requested a roll call; sufficiently seconded. The question being the adoption of the Committee of Conference report.

### YEAS 261 - NAYS 79

#### YEAS 261

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Cain, Thomas	Holbrook, Robert
Hurt, George	Johnson, James	Lawton, David	Rice, Thomas, Jr.
Rosen, Ralph	Smith, Linda	Thomas, John	Turner, Robert
Wendelboe, Francine	Ziegler, Alice		

#### CARROLL

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cooper, Kipp	Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey
Kenney, Joseph	Lyman, L. Randy	Patten, Betsey	Philbrick, Donald

#### CHESHIRE

Avery, Stephen	Burnham, Daniel	Cole, Stacey	Delano, Robert
Feuer, Joseph	Hunt, John	Laurent, John	Lynch, Margaret
Manning, Joseph	McNamara, Wanda	Richardson, Barbara	Riley, William
Royce, H. Charles	Smith, Edwin	Steere, Myron, III	

#### COOS

Coulombe, Henry	Coulombe, Yvonne	Davis, Perley	Guay, Lawrence
Hawkinson, Marie	Horton, Lynn	Mayhew, Josephine	Mears, Edgar
Merrill, Gerald	Pratt, Leighton	St. Hilaire, Paul	

#### GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Channing
Chase, Paul, Jr.	Connolly, Steven	Crory, Elizabeth	Guaraldi, Lawrence
Hill, Richard	LaMott, Paul	Larson, Nils, Jr.	Lovett, Sidney
MacNeil, Allen	Nordgren, Sharon	Phinney, William	Scanlan, David
Teschner, Douglass	Trelfa, Richard	Williams, William, Jr.	

#### HILLSBOROUGH

Ahern, Richard	Allen, W. Gordon	Alukonis, David	Amidon, Eleanor
Andrews, Frederick	Arnold, Thomas, Jr.	Asselin, Robert	Baroody, Benjamin
Belvin, William	Boutin, David	Brundige, Robert	Buckley, Raymond
Calawa, Leon, Jr.	Cepaitis, Elizabeth	Chabot, Robert	Champagne, Norma
Cote, Peter	Dodge, Emma	Drabinowicz, A. Theresa	Durham, Susan
Dyer, Merton	Emerton, Lawrence, Sr.	Feng, David	Fenton, James
Ferguson, Charles	Fields, Dennis	Foster, Linda	Franks, Suzan

Gagnon, Eugene  
Holden, Carol  
Johnson, Lionel  
L'Heureux, Robert  
Luebker, Bernard  
McRae, Karen  
Milligan, Robert  
Packard, Bonnie  
Sallada, Roland  
Soucy, Donna  
Turgeon, Roland

Goulet, Maurice  
Holley, Sylvia  
Kelley, Robert  
LaRose, Richard  
McCarthy, William  
Melcher, Harold  
Mittelman, David  
Pappas, Marc  
Sargent, Maxwell  
Soucy, Richard  
Wells, Peter, Sr.

Hallyburton, Margaret  
Hussey, Mary  
Kirby, Thomas  
Laughlin, J. Francis  
McCarthy, Winston  
Mercer, Robert  
O'Hearn, Jane  
Peters, Stanley  
Searles, Stanley, Sr.  
Streeter, Janice  
Wheeler, Robert

Hart, Nick  
Jean, Claudette  
Krochmal, Mark  
Legacy, Earl  
McMahon, Donald  
Messier, Irene  
O'Rourke, Joanne  
Reidy, Frank  
Showerman, Peter  
Sullens, Joan

### MERRIMACK

Adams, Stephen  
Chandler, John  
DeStefano, Stephen  
Holmes, Mary  
Lockwood, Robert  
Patenaude, Amy  
Trombly, Rick  
Willis, Jack

Barberia, Richard  
Coughlin, Anne  
Dunn, Miriam  
Jacobson, Alf  
Morrill, Olive  
Pfaff, Terence  
Wallner, Mary Jane

Chandler, Charles  
Crowell, Peter  
Feuerstein, Martin  
Kennedy, Richard  
Newland, Matthew  
Pitman, Mary Ellen  
Whalley, Michael

Chandler, Earle  
Daneault, Gabriel  
Hess, David  
Lamach, Bernard  
Nichols, Avis  
Rogers, Katherine  
Whittemore, James

### ROCKINGHAM

Aranda, M. Kathryn  
Bishop, Franklin  
Case, Margaret  
Conroy, Janet  
Dowd, Sandra  
Fesh, Robert  
Gargiulo, Louis  
Hurst, Sharleene  
Katsakiores, George  
Kobel, Rudolph  
Malcolm, Ken  
Pratt, Katharin  
Scanlon, Edward  
Syracusa, Anthony  
Welch, David

Arndt, Janet  
Boucher, William  
Christie, Andrew, Jr.  
Cote, Patricia  
Dowling, Patricia  
Flanagan, Natalie  
Gleason, John  
Hutchinson, Karen  
Katsakiores, Phyllis  
Kruse, Fred  
McKinney, Betsy  
Putnam, Ed, II  
Senter, Marilyn  
Tufts, J. Arthur  
Weyler, Kenneth

Battles, Marjorie  
Camm, Kevin  
Clark, Martha  
Crossman, Harold, Jr.  
Dube, LeRoy  
Flanders, John, Sr.  
Goddard, Warren  
Johnson, Robert  
Kelley, Jane  
Langley, Jane  
Moore, Benjamin  
Raynowska, Bernard  
Stone, Joseph  
Vaughn, Charles  
Yennaco, Carol

Belanger, Ronald  
Carson, Gregory  
Clark, Vivian  
Dodge, Robert  
Felch, Charles, Sr.  
Gage, Beverly  
Hawkins, Robert  
Kane, Cecelia  
Klemm, Arthur, Jr.  
Lovejoy, Marian  
Nowe, Ronald  
Ross, James  
Stritch, C. Donald  
Weare, Everett

### STRAFFORD

Berube, Roger  
Douglass, Clyde  
McCann, William, Jr.  
Reynolds, Charles  
Torr, Franklin

Brown, George  
Dunlap, Patricia  
McKinley, Robert  
Snyder, Clair  
Vincent, Francis

Brown, Julie  
Hemon, Roland  
Musler, George  
Spear, Barbara  
Wall, Janet

Chagnon, Ronald  
Lundborn, Raymond  
Nehring, William  
Torr, Ann  
Wheeler, Katherine

### SULLIVAN

Adler, Rudolf  
Flint, Gordon  
Schotanus, Merle

Allison, David  
Krueger, Richard  
Scott, Robert

Behrens, Thomas  
Lindblade, Eric  
Stettenheim, Sandy

Cloutier, John  
Peyron, Fredrik

### NAYS 79

### BELKNAP

### CARROLL

Dewhirst, Glenn

Mock, Henry



**CHESHIRE**

Champagne, Richard  
Robertson, Timothy

DePecol, Benjamin  
Russell, Ronald

Kingsbury, H. Thayer  
Wollner, Robert

McGuirk, Paul

**COOS**

None

**GRAFTON**

Cobbin, Philip  
Mirski, Paul

Eaton, Stephanie

Guest, Robert

Ham, Bonnie

**HILLSBOROUGH**

Aksten, Cheryl  
Clegg, Robert, Jr.  
Francoeur, Gary  
Hall, Betty  
Kane, Laura  
MacGillivray, Jeffrey  
Perkins, Paul  
White, Donald

Barry, Janet  
Daniels, Gary  
Gibson, John  
Hansen, Herbert  
Kurk, Neal  
Marcinkowski, Michael  
Taylor, Paul  
White, John

Bergeron, Normand  
Dokmo, Cynthia  
Gotham, Rita  
Hunter, Bruce  
Letendre, Evelyn  
Martin, Mary  
Thulander, O. Alan  
Worthen, Dorothy

Burke, M. Virginia  
Dwyer, Paul, Sr.  
Haettenschwiller, Alphonse  
Jean, Loren  
Lozeau, Donnalee  
Pepino, Leo  
Wheeler, Craig  
Wright, George

**MERRIMACK**

Crosby, Toni  
Shaw, Randall

Fraser, Marilyn  
Yeaton, Charles

Moore, Carol

Owen, Derek

**ROCKINGHAM**

Abbott, Dennis  
Flanders, David  
McGovern, Cynthia  
Splaine, James

Beaulieu, Jon  
Gorman, Donald  
Morris, Debbie  
Sytek, Donna

Coes, Betsy  
Haynes, Richard  
Packard, Sherman  
Sytek, John

Dunham, Vivian  
Henderson, Warren  
Smith, Arthur

**STRAFFORD**

DeChane, Marlene  
Keans, Sandra  
Pelletier, Arthur

Grassie, Anne  
Knowles, William  
Wasson, Richard

Hambrick, Patricia  
Loder, Suzanne  
Williams, Howard

Hilliard, Dana  
Merritt, Deborah

**SULLIVAN**

Whipple, Allen

and the report was adopted.

Rep. Sabella wished to be recorded in favor.

Rep. Copenhaver wished to be recorded against.

**REMARKS**

Rep. Nichols moved that Rep. Trombly's remarks during the debate on **HB 2-FN** be printed.

On a division vote, 227 members having voted in the affirmative and 110 in the negative, the motion was adopted.

Rep. Trombly: Rep. Wasson, would you believe that the concerns you are expressing relative to the down-shifting of costs are those concerns that are going to be addressed between now and November or October? If your community and you are concerned about the effect that those cuts are going to make on your community, you have that time to address them. You have that time to protect your constituents and at that time you can make the arguments which I think you wish to put forward here today. That cut about which you are concerned doesn't happen in this budget. It happens later on and because of what happened in Court on Monday, we're going to have the ability to address those cuts and concerns issue-by-issue, cut-by-cut. So, you are not, by voting for House Bill 2, you are not being cut out of this process of forcing something on to your constituents which nobody wants.

**COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL**

**HB 25-A**, making appropriations for capital improvements and establishing a committee to oversee and set priorities for certain appropriations. (Report printed SJ 25, 6/29/95)

Rep. Robert Dodge spoke against.

Rep. Gene Chandler spoke in favor.

Rep. Mock requested a roll call; sufficiently seconded. The question being the adoption of the Committee of Conference report.

**YEAS 276 - NAYS 49****YEAS 276****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Holbrook, Robert	Hurt, George
Johnson, James	Lawton, David	Lawton, Robert	Rice, Thomas, Jr.
Rosen, Ralph	Smith, Linda	Thomas, John	Turner, Robert
Wendelboe, Francine	Ziegler, Alice		

**CARROLL**

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cooper, Kipp	Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph
Lyman, L. Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald

**CHESHIRE**

Avery, Stephen	Cole, Stacey	Delano, Robert	Feuer, Joseph
Hunt, John	Laurent, John	Lynch, Margaret	Manning, Joseph
McNamara, Wanda	Richardson, Barbara	Riley, William	Robertson, Timothy
Royce, H. Charles	Russell, Ronald	Smith, Edwin	Steere, Myron, III

**COOS**

Davis, Perley	Guay, Lawrence	Hawkinson, Marie	Horton, Lynn
Mayhew, Josephine	Mears, Edgar	Merrill, Gerald	Pratt, Leighton
St. Hilaire, Paul			

**GRAFTON**

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Channing
Chase, Paul, Jr.	Cobbin, Philip	Connolly, Steven	Crory, Elizabeth
Eaton, Stephanie	Guaraldi, Lawrence	Guest, Robert	Ham, Bonnie
Hill, Richard	LaMott, Paul	Larson, Nils, Jr.	Lovett, Sidney
MacNeil, Allen	Mirski, Paul	Nordgren, Sharon	Phinney, William
Scanlan, David	Teschner, Douglass	Trelfa, Richard	Williams, William, Jr.

**HILLSBOROUGH**

Ahern, Richard	Aksten, Cheryl	Allen, W. Gordon	Alukonis, David
Amidon, Eleanor	Andrews, Frederick	Asselin, Robert	Baroody, Benjamin
Belvin, William	Boutin, David	Buckley, Raymond	Burke, M. Virginia
Cepaitis, Elizabeth	Chabot, Robert	Champagne, Norma	Cote, Peter
Dodge, Emma	Dokmo, Cynthia	Drabinowicz, A. Theresa	Durham, Susan
Dwyer, Paul, Sr.	Dyer, Merton	Emerton, Lawrence, Sr.	Feng, David
Fenton, James	Ferguson, Charles	Fields, Dennis	Foster, Linda
Franks, Suzan	Goulet, Maurice	Haettenschwiller, Alphonse	Hallyburton, Margaret
Hansen, Herbert	Hart, Nick	Holden, Carol	Holley, Sylvia
Hunter, Bruce	Hussey, Mary	Jean, Claudette	Jean, Loren
Kelley, Robert	Kirby, Thomas	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Legacy, Earl	Letendre, Evelyn	Marcinkowski, Michael
McCarty, Winston	McMahon, Donald	Melcher, Harold	Mercer, Robert
Messier, Irene	Milligan, Robert	Mittelman, David	O'Hearn, Jane
O'Rourke, Joanne	Packard, Bonnie	Pappas, Marc	Peters, Stanley
Reidy, Frank	Sallada, Roland	Sargent, Maxwell	Searles, Stanley, Sr.
Showerman, Peter	Soucy, Donna	Soucy, Richard	Streeter, Janice
Sullens, Joan	Thulander, O. Alan	Turgeon, Roland	Wells, Peter, Sr.
Wheeler, Craig	Wheeler, Robert	Worthen, Dorothy	

**MERRIMACK**

Adams, Stephen	Barberia, Richard	Chandler, Charles	Chandler, Earle
Chandler, John	Coughlin, Anne	Crosby, Toni	Crowell, Feter
Daneault, Gabriel	DeStefano, Stephen	Feuerstein, Martin	Hess, David
Holmes, Mary	Jacobson, Alf	Kennedy, Richard	Lamach, Bernard
Lockwood, Robert	Moore, Carol	Morrill, Olive	Newland, Matthew
Nichols, Avis	Pfaff, Terence	Pitman, Mary Ellen	Rogers, Katherine
Shaw, Randall	Trombly, Rick	Wallner, Mary Jane	Whalley, Michael
Whittemore, James	Willis, Jack	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Aranda, M. Kathryn	Arndt, Janet	Battles, Marjorie
Belanger, Ronald	Bishop, Franklin	Boucher, William	Camm, Kevin
Carson, Gregory	Case, Margaret	Christie, Andrew, Jr.	Clark, Martha
Clark, Vivian	Coes, Betsy	Conroy, Janet	Cote, Patricia
Dowd, Sandra	Dowling, Patricia	Dube, LeRoy	Dunham, Vivian
Felch, Charles, Sr.	Fesh, Robert	Flanagan, Natalie	Flanders, John, Sr.
Gage, Beverly	Gargiulo, Louis	Gleason, John	Hawkins, Robert
Haynes, Richard	Henderson, Warren	Hutchinson, Karen	Johnson, Robert
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Klemm, Arthur, Jr.	Kobel, Rudolph	Kruse, Fred	Langley, Jane
Lovejoy, Marian	Malcolm, Ken	McGovern, Cynthia	McKinney, Betsy
Moore, Benjamin	Nowe, Ronald	Packard, Sherman	Pratt, Katharin
Putnam, Ed, II	Raynowska, Bernard	Senter, Marilyn	Stone, Joseph
Stritch, C. Donald	Syracusa, Anthony	Tufts, J. Arthur	Vaughn, Charles
Welch, David	Weyler, Kenneth	Yennaco, Carol	

**STRAFFORD**

Berube, Roger	Brown, Julie	Chagnon, Ronald	DeChane, Marlene
Douglass, Clyde	Dunlap, Patricia	Grassie, Anne	Hambrick, Patricia
Hemon, Roland	Knowles, William	Loder, Suzanne	Lundborn, Raymond
McCann, William, Jr.	McKinley, Robert	Musler, George	Nehring, William
Pelletier, Arthur	Reynolds, Charles	Snyder, Clair	Spear, Barbara
Torr, Ann	Torr, Franklin	Wall, Janet	Wasson, Richard
Wheeler, Katherine	Williams, Howard		

**SULLIVAN**

Adler, Rudolf	Allison, David	Behrens, Thomas	Cloutier, John
Flint, Gordon	Krueger, Richard	Lindblade, Eric	Peyron, Fredrik
Schotanus, Merle	Stettenheim, Sandy		

**NAYS 49****BELKNAP**

Dewhirst, Glenn

**CARROLL**

None

**CHESHIRE**

Champagne, Richard	DePecol, Benjamin	McGuirk, Paul	Wollner, Robert
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**COOS**

Coulombe, Henry

**GRAFTON**

None

**HILLSBOROUGH**

Arnold, Thomas, Jr.	Barry, Janet	Bergeron, Normand	Calawa, Leon, Jr.
Clegg, Robert, Jr.	Daniels, Gary	Francoeur, Gary	Gibson, John

Gotham, Rita  
Lozeau, Donnalee  
McRae, Karen  
White, Donald

Hall, Betty  
Luebker, Bernard  
Pepino, Leo  
White, John

Kane, Laura  
MacGillivray, Jeffrey  
Perkins, Paul  
Wright, George

Krochmal, Mark  
Martin, Mary  
Taylor, Paul

### MERRIMACK

Dunn, Miriam

Owen, Derek

Patenaude, Amy

### ROCKINGHAM

Beaulieu, Jon  
Gorman, Donald  
Smith, Arthur

Dodge, Robert  
Morris, Debbie  
Splaine, James

Flanders, David  
Ross, James  
Sytek, Donna

Goddard, Warren  
Scanlon, Edward  
Weare, Everett

### STRAFFORD

Brown, George

Hilliard, Dana

Merritt, Deborah

Vincent, Francis

### SULLIVAN

Whipple, Allen

and the report was adopted.

Reps. Hurst and Keans did not vote and intended to vote yea.

Reps. Copenhaver and Sabella wished to be recorded in favor.

### RECONSIDERATION

Having voted on the prevailing side, Rep. Hunt moved that the House reconsider its action whereby it voted to sustain the Governor's Veto of **HB 332**, providing for certain services for the developmentally disabled and making an appropriation therefor.

Reps. Hunt and Ferguson spoke in favor.

Rep. Wendelboe spoke against.

On a division vote, 211 members have voted in the affirmative and 125 in the negative, reconsideration prevailed.

As required by the State Constitution, a roll call was taken. The question being, notwithstanding the Governor's veto, shall **HB 332**, providing for certain services for the developmentally disabled and making an appropriation therefor, pass?

### YEAS 221 - NAYS 117

#### YEAS 221

#### BELKNAP

Bartlett, Gordon  
Ziegra, Alice

Dewhirst, Glenn

Lawton, Robert

Smith, Linda

#### CARROLL

Cooper, Kipp  
Kenney, Joseph

Dickinson, Howard, Jr.

Foster, Robert

Howard, Godfrey

#### CHESHIRE

Avery, Stephen  
DePecol, Benjamin  
Kingsbury, H. Thayer  
McGuirk, Paul  
Royce, H. Charles

Burnham, Daniel  
Delano, Robert  
Laurent, John  
Richardson, Barbara  
Russell, Ronald

Champagne, Richard  
Feuer, Joseph  
Lynch, Margaret  
Riley, William  
Wollner, Robert

Cole, Stacey  
Hunt, John  
Manning, Joseph  
Robertson, Timothy

#### COOS

Coulombe, Henry  
Hawkinson, Marie  
Pratt, Leighton

Coulombe, Yvonne  
Horton, Lynn  
St. Hilaire, Paul

Davis, Perley  
Mayhew, Josephine

Guay, Lawrence  
Mears, Edgar

**GRAFTON**

Adams, Carl  
Chase, Paul, Jr.  
Guest, Robert  
Lovett, Sidney  
Phinney, William  
Williams, William, Jr.

Bean, Pamela  
Cobbin, Philip  
Ham, Bonnie  
MacNeil, Allen  
Scanlan, David

Below, Clifton  
Crory, Elizabeth  
LaMott, Paul  
Mirski, Paul  
Teschner, Douglass

Brown, Channing  
Guaraldi, Lawrence  
Larson, Nils, Jr.  
Nordgren, Sharon  
Trelfa, Richard

**HILLSBOROUGH**

Ahern, Richard  
Arnold, Thomas, Jr.  
Buckley, Raymond  
Dokmo, Cynthia  
Dyer, Merton  
Fields, Dennis  
Haettenschwiller, Alphonse  
Holden, Carol  
Kirby, Thomas  
Lozeau, Donnalee  
McRae, Karen  
O'Rourke, Joanne  
Sargent, Maxwell  
Sullens, Joan  
Wheeler, Robert

Allen, W. Gordon  
Asselin, Robert  
Cepaitis, Elizabeth  
Drabinowicz, A. Theresa  
Emerton, Lawrence, Sr.  
Foster, Linda  
Hall, Betty  
Hussey, Mary  
L'Heureux, Robert  
Marcinkowski, Michael  
Melcher, Harold  
Packard, Bonnie  
Soucy, Donna  
Taylor, Paul  
White, Donald

Alukonis, David  
Baroody, Benjamin  
Chabot, Robert  
Durham, Susan  
Fenton, James  
Franks, Suzan  
Hallyburton, Margaret  
Jean, Claudette  
LaRose, Richard  
Martin, Mary  
Messier, Irene  
Peters, Stanley  
Soucy, Richard  
Turgeon, Roland  
White, John

Amidon, Eleanor  
Bergeron, Normand  
Cote, Peter  
Dwyer, Paul, Sr.  
Ferguson, Charles  
Gagnon, Eugene  
Hart, Nick  
Kane, Laura  
Laughlin, J. Francis  
McCarthy, William  
O'Hearn, Jane  
Reidy, Frank  
Streeter, Janice  
Wheeler, Craig  
Worthen, Dorothy

**MERRIMACK**

Chandler, Charles  
Crosby, Toni  
Dunn, Miriam  
Jacobson, Alf  
Newland, Matthew  
Trombly, Rick

Chandler, Earle  
Crowell, Peter  
Feuerstein, Martin  
Lockwood, Robert  
Owen, Derek  
Wallner, Mary Jane

Chandler, John  
Daneault, Gabriel  
Fraser, Marilyn  
Moore, Carol  
Rogers, Katherine  
Whalley, Michael

Coughlin, Anne  
DeStefano, Stephen  
Holmes, Mary  
Morrell, Olive  
Shaw, Randall  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
Christie, Andrew, Jr.  
Crossman, Harold, Jr.  
Fesh, Robert  
Gorman, Donald  
Johnson, Robert  
Kelley, Jane  
Langley, Jane  
Nowe, Ronald  
Splaine, James  
Tufts, J. Arthur  
Weyler, Kenneth

Aranda, M. Kathryn  
Clark, Martha  
Dodge, Robert  
Flanders, John, Sr.  
Hawkins, Robert  
Kane, Cecelia  
Klemm, Arthur, Jr.  
Lovejoy, Marian  
Pratt, Katharin  
Stritch, C. Donald  
Vaughn, Charles

Bishop, Franklin  
Coes, Betsy  
Dowd, Sandra  
Gage, Beverly  
Henderson, Warren  
Katsakiores, George  
Kobel, Rudolph  
McGovern, Cynthia  
Raynowska, Bernard  
Syracusa, Anthony  
Weare, Everett

Case, Margaret  
Conroy, Janet  
Dowling, Patricia  
Gleason, John  
Hurst, Sharleene  
Katsakiores, Phyllis  
Kruse, Fred  
McKinney, Betsy  
Senter, Marilyn  
Sytek, Donna  
Welch, David

**STRAFFORD**

Brown, George  
Dunlap, Patricia  
Hilliard, Dana  
Lundborn, Raymond  
Snyder, Clair  
Vincent, Francis

Brown, Julie  
Grassie, Anne  
Keans, Sandra  
McCann, William, Jr.  
Spear, Barbara  
Wall, Janet

Chagnon, Ronald  
Hambrick, Patricia  
Knowles, William  
Merritt, Deborah  
Torr, Ann  
Wheeler, Katherine

DeChane, Marlene  
Hemon, Roland  
Loder, Suzanne  
Pelletier, Arthur  
Torr, Franklin  
Williams, Howard

**SULLIVAN**

Allison, David  
Lindblade, Eric

Behrens, Thomas  
Schotanus, Merle

Cloutier, John  
Stettenheim, Sandy

Flint, Gordon  
Whipple, Allen

**NAYS 117****BELKNAP**

Boriso, Thomas	Holbrook, Robert	Hurt, George	Johnson, James
Lawton, David	Rice, Thomas, Jr.	Rosen, Ralph	Thomas, John
Turner, Robert	Wendelboe, Francine		

**CARROLL**

Babson, David, Jr.	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Lyman, L. Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald

**CHESHIRE**

McNamara, Wanda	Smith, Edwin	Steere, Myron, III
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**COOS**

Merrill, Gerald

**GRAFTON**

Connolly, Steven	Eaton, Stephanie	Hill, Richard
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**HILLSBOROUGH**

Aksten, Cheryl	Andrews, Frederick	Barry, Janet	Belvin, William
Boutin, David	Brundige, Robert	Burke, M. Virginia	Calawa, Leon, Jr.
Champagne, Norma	Clegg, Robert, Jr.	Daniels, Gary	Dodge, Emma
Feng, David	Francoeur, Gary	Gibson, John	Gotham, Rita
Goulet, Maurice	Hansen, Herbert	Holley, Sylvia	Hunter, Bruce
Jean, Loren	Kelley, Robert	Krochmal, Mark	Kurk, Neal
Legacy, Earl	Letendre, Evelyn	Luebker, Bernard	MacGillivray, Jeffrey
McCarty, Winston	McMahon, Donald	Mercer, Robert	Milligan, Robert
Mittelman, David	Pappas, Marc	Pepino, Leo	Perkins, Paul
Sallada, Roland	Searles, Stanley, Sr.	Showerman, Peter	Thulander, O. Alan
Wells, Peter, Sr.	Wright, George		

**MERRIMACK**

Adams, Stephen	Barberia, Richard	Hess, David	Kennedy, Richard
Lamach, Bernard	Nichols, Avis	Patenaude, Amy	Pfaff, Terence
Pitman, Mary Ellen	Whittemore, James	Willis, Jack	

**ROCKINGHAM**

Arndt, Janet	Battles, Marjorie	Beaulieu, Jon	Belanger, Ronald
Boucher, William	Camm, Kevin	Carson, Gregory	Clark, Vivian
Cote, Patricia	Dube, LeRoy	Dunham, Vivian	Felch, Charles, Sr.
Flanagan, Natalie	Flanders, David	Gargiulo, Louis	Goddard, Warren
Haynes, Richard	Hutchinson, Karen	Malcolm, Ken	Moore, Benjamin
Morris, Debbie	Packard, Sherman	Putnam, Ed, II	Ross, James
Scanlon, Edward	Smith, Arthur	Stone, Joseph	Yennaco, Carol

**STRAFFORD**

Berube, Roger	Douglass, Clyde	McKinley, Robert	Musler, George
Nehring, William	Reynolds, Charles	Wasson, Richard	

**SULLIVAN**

Adler, Rudolf	Krueger, Richard	Peyron, Fredrik	Scott, Robert
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and lacking the necessary two-thirds, the veto was again sustained.

**MOTION TO REMOVE FROM THE TABLE**

Rep. Jacobson moved that **HB 593**, requesting the supreme court and the attorney general to release all confidential and nonconfidential materials relative to former Judge John C. Fairbanks, be removed from the table and spoke in favor.

Rep. Bergeron requested a roll call; sufficiently seconded.

**YEAS 154 - NAYS 178****YEAS 154****BELKNAP**

Johnson, James	Rice, Thomas, Jr.	Smith, Linda	Thomas, John
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**CARROLL**

Babson, David, Jr.	Beach, Mildred
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**CHESHIRE**

Burnham, Daniel	Champagne, Richard	Cole, Stacey	Delano, Robert
Kingsbury, H. Thayer	Lynch, Margaret	Manning, Joseph	McGuirk, Paul
Richardson, Barbara	Riley, William	Robertson, Timothy	Russell, Ronald
Wollner, Robert			

**COOS**

Coulombe, Henry	Coulombe, Yvonne	Davis, Perley	Guay, Lawrence
Mayhew, Josephine	Mears, Edgar	St. Hilaire, Paul	

**GRAFTON**

Below, Clifton	Cobbin, Philip	Crory, Elizabeth	Guaraldi, Lawrence
Guest, Robert	Ham, Bonnie	Lovett, Sidney	Mirski, Paul
Nordgren, Sharon	Williams, William, Jr.		

**HILLSBOROUGH**

Ahern, Richard	Allen, W. Gordon	Amidon, Eleanor	Arnold, Thomas, Jr.
Asselin, Robert	Bergeron, Normand	Buckley, Raymond	Burke, M. Virginia
Cepaitis, Elizabeth	Champagne, Norma	Clegg, Robert, Jr.	Cote, Peter
Drabinowicz, A. Theresa	Feng, David	Fields, Dennis	Foster, Linda
Gagnon, Eugene	Gibson, John	Haettenschwiller, Alphonse	Hall, Betty
Holley, Sylvia	Hussey, Mary	Jean, Claudette	Jean, Loren
Kane, Laura	Kirby, Thomas	Krochmal, Mark	Laughlin, J. Francis
Legacy, Earl	Letendre, Evelyn	Luebker, Bernard	MacGillivray, Jeffrey
Martin, Mary	McCarthy, William	McCarty, Winston	Messier, Irene
Pepino, Leo	Reidy, Frank	Sallada, Roland	Showerman, Peter
Soucy, Donna	Soucy, Richard	Streeter, Janice	Taylor, Paul
Thulander, O. Alan	Turgeon, Roland	Wheeler, Craig	White, John

**MERRIMACK**

Adams, Stephen	Barberia, Richard	Chandler, John	Crosby, Toni
Crowell, Peter	Daneault, Gabriel	Dunn, Miriam	Fraser, Marilyn
Jacobson, Alf	Kennedy, Richard	Lamach, Bernard	Moore, Carol
Morrill, Olive	Newland, Matthew	Owen, Derek	Rogers, Katherine
Shaw, Randall	Trombly, Rick	Wallner, Mary Jane	Whalley, Michael
Yeaton, Charles			

**ROCKINGHAM**

Abbott, Dennis	Bishop, Franklin	Clark, Martha	Crossman, Harold, Jr.
Fesh, Robert	Gage, Beverly	Goddard, Warren	Gorman, Donald
Hawkins, Robert	Haynes, Richard	Hurst, Sharleene	Hutchinson, Karen
Johnson, Robert	Kane, Cecelia	Kobel, Rudolph	McGovern, Cynthia
Morris, Debbie	Raynowska, Bernard	Syracusa, Anthony	Vaughn, Charles
Welch, David	Weyler, Kenneth		

**STRAFFORD**

Berube, Roger	Brown, George	Chagnon, Ronald	DeChane, Marlene
Grassie, Anne	Hambrick, Patricia	Hemon, Roland	Knowles, William
Loder, Suzanne	Lundborn, Raymond	McCann, William, Jr.	McKinley, Robert
Merritt, Deborah	Nehring, William	Pelletier, Arthur	Reynolds, Charles
Snyder, Clair	Vincent, Francis	Wheeler, Katherine	Williams, Howard

**SULLIVAN**

Adler, Rudolf	Allison, David	Cloutier, John	Lindblade, Eric
Scott, Robert	Stettenheim, Sandy	Whipple, Allen	

**NAYS 178****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Cain, Thomas	Dewhirst, Glenn
Holbrook, Robert	Hurt, George	Lawton, David	Lawton, Robert
Rosen, Ralph	Turner, Robert	Wendelboe, Francine	Ziegra, Alice

**CARROLL**

Bradley, Jeb	Chandler, Gene	Cooper, Kipp	Dickinson, Howard, Jr.
Foster, Robert	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	

**CHESHIRE**

Avery, Stephen	DePecol, Benjamin	Feuer, Joseph	Hunt, John
Laurent, John	McNamara, Wanda	Royce, H. Charles	Smith, Edwin
Steere, Myron, III			

**COOS**

Hawkinson, Marie	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
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**GRAFTON**

Adams, Carl	Bean, Pamela	Brown, Channing	Chase, Paul, Jr.
Connolly, Steven	Eaton, Stephanie	Hill, Richard	LaMott, Paul
Larson, Nils, Jr.	MacNeil, Allen	Phinney, William	Scanlan, David
Teschner, Douglass	Trelfa, Richard		

**HILLSBOROUGH**

Aksten, Cheryl	Alukonis, David	Andrews, Frederick	Baroody, Benjamin
Barry, Janet	Belvin, William	Boutin, David	Brundige, Robert
Calawa, Leon, Jr.	Chabot, Robert	Daniels, Gary	Dodge, Emma
Dokmo, Cynthia	Durham, Susan	Dwyer, Paul, Sr.	Dyer, Merton
Emerton, Lawrence, Sr.	Fenton, James	Ferguson, Charles	Francoeur, Gary
Goulet, Maurice	Hallyburton, Margaret	Hansen, Herbert	Hart, Nick
Holden, Carol	Hunter, Bruce	Kelley, Robert	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lozeau, Donnalee	Marcinkowski, Michael
McMahon, Donald	McRae, Karen	Melcher, Harold	Mercer, Robert
Milligan, Robert	Mittelman, David	O'Hearn, Jane	Packard, Bonnie
Pappas, Marc	Perkins, Paul	Peters, Stanley	Sargent, Maxwell
Searles, Stanley, Sr.	Sullens, Joan	Wells, Peter, Sr.	Wheeler, Robert
White, Donald	Worthen, Dorothy	Wright, George	

**MERRIMACK**

Chandler, Charles	Chandler, Earle	DeStefano, Stephen	Feuerstein, Martin
Hess, David	Holmes, Mary	Lockwood, Robert	Nichols, Avis
Patenaude, Amy	Pfaff, Terence	Pitman, Mary Ellen	Whittemore, James
Willis, Jack			

**ROCKINGHAM**

Aranda, M. Kathryn	Arndt, Janet	Battles, Marjorie	Beaulieu, Jon
Belanger, Ronald	Boucher, William	Camm, Kevin	Carson, Gregory
Case, Margaret	Clark, Vivian	Coes, Betsy	Conroy, Janet
Cote, Patricia	Dodge, Robert	Dowd, Sandra	Dowling, Patricia
Dube, LeRoy	Dunham, Vivian	Felch, Charles, Sr.	Flanagan, Natalie
Flanders, David	Flanders, John, Sr.	Gargiulo, Louis	Gleason, John
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Klemm, Arthur, Jr.



Kruse, Fred  
McKinney, Betsy  
Pratt, Katharin  
Senter, Merilyn  
Sytek, Donna

Langley, Jane  
Moore, Benjamin  
Putnam, Ed, II  
Smith, Arthur  
Tufts, J. Arthur

Lovejoy, Marian  
Nowe, Ronald  
Ross, James  
Stone, Joseph  
Weare, Everett

Malcolm, Ken  
Packard, Sherman  
Scanlon, Edward  
Stritch, C. Donald  
Yennaco, Carol

### STRAFFORD

Brown, Julie  
Keans, Sandra  
Torr, Franklin

Douglass, Clyde  
Musler, George  
Wall, Janet

Dunlap, Patricia  
Spear, Barbara  
Wasson, Richard

Hilliard, Dana  
Torr, Ann

### SULLIVAN

Behrens, Thomas  
Schotanus, Merle

Flint, Gordon

Krueger, Richard

Peyron, Fredrik

and the motion failed.

### RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the joint call of the Chairs.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HR 32**, urging the governor to submit the application prepared by the department of education to the federal government for a Goals 2000 grant.

### REMARKS

Governor Stephen Merrill addressed the House.

### UNANIMOUS CONSENT

Rep. John Chandler addressed the House.

Rep. Manning addressed the House.

Rep. Malcolm moved that the remarks of Rep. Manning be printed in the Journal.  
Adopted.

Rep. Manning: Thank you Mr. Speaker. I would like to address a few remarks to those of you in here that are younger than 50. You heard a number of us old fellows get up here and talk about the 50th anniversary of this, that and the other thing. There are two anniversaries coming up in the coming months that are 50-year anniversaries. One was a great migration and the other was a great decision. The great migration started in Europe, in Italy, Austria, Germany and France. It was a migration westward to the sea. It was made up of men that had managed to survive North Africa, Sicily, the invasion of Italy, Monte Casino, Normandy, The Bulge and The Rhine. These were the men who were heading westward getting on ships again heading for the Panama Canal or crossing this country on trains and heading to the Pacific. They were coming to join men who had survived Pearl, the Solomons, the Gileads, the Carolines, the Marianas, Iwo and Okinawa. They were men who left a lot of dead behind them. They were getting ready for a battle that you never heard of. The invasion of Honshu. The great sea battle of the Inland Sea. It was going to be, as the expression is, the mother of all battles. During the campaign in Europe and the campaign in the Pacific, we lost pretty near one-third of a million men. What was coming was going to be greater than that because the adversary was an extremely determined soldier. We found that in Guadalcanal. We found it out in Tarawa, Saipan, on Iwo and certainly on the seas of Okinawa. These people had fought so determinedly, suicidally for land that was a long way from their own home. Think how they would have fought if it was their own doorstep or the graveyards of their ancestors. The best estimates were that we would probably lose

somewhere in the neighborhood of a million men trying to capture Japan. It was going to take us a long while. Our best bet, some of you will remember who were there, it was "the Golden Gate in '48." But, that battle never happened because one man made a decision. He was told that we had a new weapon that might save us a million men and it might save the Japanese three or four million people. The man made the decision to use this unknown thing because it may end the war and it did. So those of you that are here who are under 50, if Harry Truman hadn't made that decision you may not be even here. Certainly, a lot of us who are in our 70's and 80's would not be here. This summer you will hear all kinds of apologies about a terrible thing we did 50 years ago. It was the lesser of two evils. I say God Bless Harry Truman and God Bless America. Thank you Mr. Speaker.

Reps. Ann Torr, Trombly and Guay addressed the House.

Rep. Ann Torr moved that the House stand in recess for the purpose of enrolled bill amendments and enrolling reports only.

Adopted.

The House recessed at 3:50 p.m.

## RECESS

**(Rep. Frank Torr in the Chair)**

### Enrolled Bill Amendment

**HB 2-FN**, relative to state fees, funds, revenues and expenditures.

#### Amendment (3004L)

Amend RSA 12-G:27-a, I as inserted by section 4 of the bill by replacing line 2 with the following:

*through 9:9*, relative to *the* budget [and appropriations].

Amend section 18 of the bill by replacing line 1 with the following:

18 Changes in Salary Groups. The director of the division for children, youth, and

Amend section 51 of the bill by replacing line 1 with the following:

51 County Facilities Exempted. Amend RSA 167:76, III(a) to read as

Amend section 58 of the bill by replacing line 2 with the following:

Families; Legal Standing. Amend RSA 169-B by inserting after section 6

Amend section 66 of the bill by replacing lines 2-6 with the following:

Families; Legal Standing. Amend RSA 169-C by inserting after section 8 the following new section:

169-C:8-a Notice of Petition to Division for Children, Youth, and Families. The court shall serve the division for children, youth, and families with a copy of any petition filed under RSA 169-C:7 and the

Amend section 72 of the bill by replacing line 2 with the following:

Plan; Reimbursement Required. Amend RSA 169-C:27, I(a) to read as follows:

Amend RSA 169-D:5, I as inserted by section 75 of the bill by replacing lines 1-2 with the following:

I. [Any person may file] A petition alleging a child is in need of services *may be filed*

Amend section 76 of the bill by replacing lines 2-3 with the following:

and Families; Consent Order. Amend RSA 169-D by inserting after section 5 the following new sections:

Amend RSA 169-G:1, I as inserted by section 87 of the bill by replacing line 17 with the following:

determined by the chairperson. The decision of 2 members, one of whom shall

Amend RSA 169-G:6 as inserted by section 87 of the bill by replacing line 1 with the following:

169-G:6 Quarterly Reports. The director of the division for children,

Amend RSA 198:36, I as inserted by section 119 of the bill by replacing line 3 with the following:

the classifications listed in RSA 198:35, XII by the weight factor for that

Adopted.

## RECESS

(Rep. Gage in the Chair)

## ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 1, 2 and 25.

Rep. Pfaff, Sen. Currier for the Committee

The House adjourned to the Joint call of the Chairs.

## CLERK'S NOTE

Joint Rule 23-a provides that all 1st-year-session bills not disposed of by midnight July 1 shall be indefinitely postponed for the remainder of the biennium. The following bills are subject to that rule:

**HB 222**, relative to access to homes by manufactured housing park owners.

**HB 431**, relative to the bank commissioner's supervision of New Hampshire bank holding companies and out-of-state bank holding companies doing business in New Hampshire.

**HB 593**, requesting the supreme court and the attorney general to release all confidential and nonconfidential materials relative to former Judge John C. Fairbanks.

**HR 15**, affirming unrestricted revenue estimates for fiscal years 1996 and 1997.

**HR 22**, requesting an opinion of the justices concerning the constitutionality of HB 55-FN-A.

**SB 164**, relative to the procedures of the central registry under the division for children, youth, and families.

**SB 174**, allowing the city of Manchester to establish and operate a civic center and establishing a civic center commission.  
and

**CACR 9**, relating to returning annual legislative sessions to biennial legislative sessions. Providing that the general court shall meet biennially, was returned to the Senate as per House Rule 19-b.

**HB 211**, changing the school foundation aid distribution formula, and providing for sweepstakes powerball revenue to be used for state aid to education.

**SB 173**, relative to foundation aid, went to Committees of Conference and the reports were not signed off. Therefore, under Joint Rules, the bills are indefinitely postponed.

## SENATE MESSAGE

## SENATE RESOLUTION TO DISPOSE OF OUTSTANDING BILLS

The Senate of the state of New Hampshire has passed the following Resolution:

## RESOLUTION

That all Bills left in Committee, Laid on the Table or not acted upon by the body in any manner with the exception of those sent to the Court for an opinion of the Justices shall be by this resolution made Inexpedient to Legislate.

**SR 8**, urging the governor, the chairman of the state board of education, and the commissioner of education to apply for and accept funding for education from the Goals 2000: Educate America Act.

**SB 3-FN-L**, authorizing the sweepstakes commission and the pari-mutuel commission to establish video lottery games.

**SB 59**, establishing a committee to study the problems created by the presence of lead base paint and other lead base materials in dwelling units, the availability of general liability insurance and the effects of limited tort reform on the availability of general liability insurance.

**SB 62**, relative to coverage of taxicab operators under workers' compensation.

**SB 145-FN-A-LOCAL**, relative to revenue sharing for cities and towns.

**HB 231**, limiting liability of trappers for certain accidents involving domestic animals.

**HB 328-FN**, relative to reconstruction, or repair of boathouses which are suitable for use as dwellings.

**HB 426**, allowing an extended term of imprisonment for offenses committed with a firearm.

Attested by

Karen O. Wadsworth, Clerk of the House

## **EXTENDED REPORTING DATES FOR CHAPTERED STUDY COMMITTEES**

The reporting deadlines for the following committees were extended by HB 11, Chapter 10, Laws of 1995.

**CHILD SUPPORT ISSUES**, (SB 62, Chapter 256, Laws of 1993)

**CONTRACTING SERVICES BY THE STATE**, (SB 134, Chapter 153:5, Laws of 1993)

**CORRECTIONS STUDY COMMITTEE** (SB 141, Chapter 318:3, Laws of 1993)

**NEW HAMPSHIRE/VERMONT SOLID WASTE DISTRICT**, (HB 1390, Chapter 323, Laws of 1994)

**PET OVERPOPULATION STUDY**, (HB 406, Chapter 246:4, Laws of 1993)

**SEXUAL ASSAULT TASK FORCE**, (SB 780, Chapter 31, Laws of 1994) Extended to June 1, 1995.

**STATE VETERANS' CEMETERY OVERSIGHT COMMITTEE**, (HB 1523, Chapter 282, Laws of 1994) By HB 11, Chapter 10:12, Laws of 1995, this committee will be repealed July 1, 1996.

**UNH INVOLVEMENT IN TRAINING STATE EMPLOYEES**, (SB 690, Chapter 176, Laws of 1994)

**INTERACTIVE COMMUNICATION SYSTEM AMONG PUBLIC SCHOOLS STUDY**, (HB 1343, Chapter 352:1, Laws of 1994) Reporting date extended by HB 104, Chapter 25, Laws of 1995.

**CONVENTION CENTER FACILITY STUDY**, (SB 248, Chapter 228:6, Laws of 1993) Reporting date extended by HB 224, Chapter 184, Laws of 1995.

## **1995 STATUTORY APPOINTMENTS**

### **HB 2 (Chapter 308:36, Laws of 1995) DATA CENTER CONSOLIDATION STUDY**

Reps. David J. Alukonis and Herbert R. Hansen, appointed by the Speaker.

Sens. David P. Currier and Bruce W. Keough, appointed by the President.

The following are encouraged to participate in the committee's work:

Commissioner, Employment Security, or designee.

Commissioner, Administrative Services, or designee.

Commissioner, Transportation, or designee.

Commissioner, Health and Human Services, or designee.

Commissioner, Safety, or designee.

Commissioner, Revenue Administration, or designee.

Commissioner, Postsecondary Technical Education, or designee.

Chairperson, Liquor Commission, or designee.

### **HB 116 (Chapter 183, Laws of 1995) OPERATION AND FUNDING OF THE NH VETERINARY DIAGNOSTIC LABORATORY STUDY**

Reps. Clyde J. Douglass and Richard L. Hill, appointed by the Speaker.

Sens. Sheila Roberge and Debora B. Pignatelli, appointed by the President.

The following are encouraged to participate in the committee's work:

Commissioner, the Department of Agriculture, or designee.

State Veterinarian.

Director, Division of Public Health Services, Department of Health and Human Services, or designee.

Executive Director, Department of Fish and Game, or designee.

President, New Hampshire Veterinary Medical Society, or designee.

Dean, College of Life Sciences and Agriculture, University of New Hampshire, or designee.

**HB 188 (Chapter 274, Laws of 1995) DISCLOSURE REQUIREMENTS FOR BONDS ISSUED BY POLITICAL SUBDIVISION STUDY**

Reps. Katherine H. Metzger (Municipal & County Government), Bonnie B. Packard and Anthony Syracuse (Commerce, Small Business, Consumer Affairs & Economic Development), appointed by the Speaker.

Sens. Leo W. Fraser, Jr. and C. Jeanne Shaheen (Banks) and Thomas P. Stawasz (Public Affairs), appointed by the President.

**HB 224 (Chapter 184:2, Laws of 1995) WETLANDS BOARD FUNCTIONS AND RESPONSIBILITIES STUDY**

Reps. Howard C. Dickinson (Chairman), Michael D. Whalley, Peter O. Crowell, Sidney Lovett and Deborah F. Merritt, (Resources, Recreation & Development); alternates, H. Charles Royce, David M. Lawton, Amy Patenaude, Rudolf A. Adler, Thomas J. Kirby and Paula E. Bradley, appointed by the Speaker.

Sens. Richard L. Russman (Vice Chairman), Beverly T. Rodeschin, Thomas P. Colantuono, Thomas P. Stawasz and Sylvia B. Larsen; alternate, Bruce W. Keough, appointed by the President.

**HB 307 (Chapter 90, Laws of 1995) CONSTITUTIONAL AMENDMENT ON YIELD TAX ON SAND AND GRAVEL STUDY**

Reps. David M. Scanlan, Robert L. Wheeler, Gene G. Chandler and Katherine D. Rogers, appointed by the Speaker.

Sens. Carl R. Johnson, Clesson J. Blaisdell, Leo W. Fraser, Jr. and Richard N. Danaïs, appointed by the President.

**HB 317 (Chapter 275:4, Laws of 1995) INDEPENDENT CONTRACTOR AND WAGES RELATIVE TO UNEMPLOYMENT COMPENSATION STUDY**

Reps. Paul R. Perkins (Labor, Industrial & Rehabilitative Services) and Paul E. St. Hilaire, appointed by the Speaker.

Sens. Richard N. Danaïs (Insurance) and John A. King, appointed by the President.

Commissioner, Department of Employment Services, or designee; shall advise the committee on unemployment compensation issues.

**HB 341 (Chapter 239:3, Laws of 1995) PAPERLESS TITLE SYSTEM FOR MOTOR VEHICLE LIENHOLDERS FEASIBILITY STUDY**

Reps. George N. Katsakiores, Robert M. Fesh, Henry P. Mock and Roger R. Berube, appointed by the Speaker.

Sens. Leo W. Fraser, Jr., Burton J. Cohen and Thomas P. Stawasz, appointed by the President.

**HB 369 (Chapter 241:2, Laws of 1995) MOUNT SUNAPEE AND CANNON MOUNTAIN SKI AREAS LEASING FEASIBILITY STUDY**

Reps. Edwin O. Smith and David R. Boutin (Public Works & Highways), Howard C. Dickinson and William E. Williams, Jr. (Resources, Recreation & Development), Earle W. Chandler and Marie C. Hawkinson (Finance), appointed by the Speaker.

Sens. Carl R. Johnson (Chair, Economic Development), Richard L. Russman (Chair, Environment), Debora B. Pignatelli (Vice-chair, Environment); David P. Currier, Frederick W. King and Beverly T. Rodeschin, whose districts include Mount Sunapee and Cannon Mountain, appointed by the President.

**HB 370 (Chapter 92, Laws of 1995) OVERSIGHT COMMITTEE TO REVIEW THE ELDERCARE STUDY OF DARTMOUTH MEDICAL SCHOOL (HB 2, Chapter 358:5 was repealed and re-enacted by this chapter)**

Reps. Eleanor H. Amidon (Health, Human Services & Elderly Affairs), Leon Calawa, Jr. (Public Works & Highways) and Marie Hawkinson (Finance), appointed by the Speaker.

Sens. John A. King (Public Institutions), Bruce W. Keough (Capital Budget) and David P. Currier (Finance), appointed by the President.

The following are encouraged to participate in the committee's work:  
Governor or designee.

One member, State Employees Association, appointed by the State Employees Association.

**HB 401 (Chapter 292, Laws of 1995) PAYMENTS IN LIEU OF TAXES FOR UNIVERSITY SYSTEM PROPERTIES AND STATE GOVERNMENT OPERATIONS**

Reps. Elizabeth A. Cepaitis, Robert M. Fesh, Amanda A. Merrill and Linda T. Foster, appointed by the Speaker.

Sens. George A. Lovejoy and Clesson J. Blaisdell, appointed by the President.

Kathleen Salisbury, appointed by the Chancellor of the University System.

Greg Sanborn, appointed by the President, University of New Hampshire.

Jay Kahn, appointed by the President, Keene State College.

Bill Crangle, appointed by the President, Plymouth State College.

Commissioner, Department of Resources and Economic Development, or designee.

Five public members, one each from Durham, Newbury, Franconia, Plymouth (Steve S. Panagoulis), and Keene (Patrick J. MacQueen), appointed by the governing body of each municipality.

**HB 421 (Chapter 79, Laws of 1995) EFFICIENT SYSTEM OF CRIMINAL PROSECUTION AT DISTRICT AND SUPERIOR COURT LEVEL STUDY**

All members, House Corrections & Criminal Justice Committee.

All members, Senate Judiciary Committee.

**HB 438 (Chapter 125, Laws of 1995) EARLY-VOTING IN NEW HAMPSHIRE STUDY COMMITTEE**

Reps. Natalie S. Flanagan and Carol H. Holden, appointed by the Speaker.

Sens. Sheila Roberge and John A. King, appointed by the President.

**HB 449 (Chapter 197, Laws of 1995) CERTIFICATION PROCESS STUDY OF PERSONS WHO PERFORM TAX ASSESSMENTS OR PROPERTY APPRAISALS FOR MUNICIPALITIES**

Reps. Richard Noyes, Paul A. Golden and Robert M. Fesh, appointed by the Speaker.

Sens. Thomas P. Stawasz, Debora B. Pignatelli and Frederick W. King, appointed by the President.

The committee may request input from, but not be limited to, the following:

Two active municipal assessors, one serving a city, the other serving a town, both belonging to the New Hampshire Association of Assessing Officials.

One assessor, presently active in New Hampshire and belonging to the International Association of Assessing Officials.

A representative from the Department of Revenue Administration.

A representative from the Board of Land and Tax Appeals.

A representative from the Superior Court.

A representative from the New Hampshire Municipal Association.

An active appraiser belonging to the New Hampshire Board of Real Estate Appraisers.

A representative from the National Council of Property Tax Consultants.

A representative from the New Hampshire Chapter of the Appraisal Institute.

**HB 561 (Chapter 297:3, Laws of 1995) PEASE DEVELOPMENT AUTHORITY STUDY COMMISSION**

Rep. Franklin G. Torr, appointed by the Speaker.

Sens. Bruce W. Keough; alternate, Burton J. Cohen, appointed by the President.

Two persons appointed by the Governor.

William S. Bartlett, Commissioner, Department of Resources and Economic Development.

Chairpersons, House and Senate Finance Committees.

**SB 12 (Chapter 261, Laws of 1995) LONG-TERM CARE FOR THE ELDERLY STUDY**

Members added:

Governor, or a representative from the Governor's office.

Director, Human Services, Department of Health and Human Services, or designee.

**SB 15 (Chapter 110, Laws of 1995) PURPOSE AND OPERATION OF THE CENTRAL REGISTRY STUDY (Established by SB 785, Chapter 32, Laws of 1994)**

Membership. To the extent possible, the committee shall continue its work with the same membership appointed.

The non-legislative members of the committee shall be non-voting members.

**SB 17 (Chapter 168, Laws of 1995) HEALTH CARE INSURERS AND PROVIDERS EXCLUSIVITY CONTRACTS**

Reps. Bonnie B. Packard, Katherin K. Pratt and Beverly A. Gage, appointed by the Speaker.

Sens. Richard L. Russman, C. Jeanne Shaheen and Richard Danaïs, appointed by the President.

**SB 20 (Chapter 211, Laws of 1995) OFF-PREMISE ADVERTISING DEVICE AND VEGETATION MAINTENANCE STUDY COMMITTEE**

Reps. David A. Welch, David R. Boutin, James A. Whittemore, Paul J. Dwyer, Sr. (Public Works & Highways) and Lynn C. Horton, appointed by the Speaker.

Sens. George A. Lovejoy, Burton J. Cohen, John A. King, David P. Currier and Frederick W. King, appointed by the President.

**SB 53 (Chapter 185, Laws of 1995) REAL ESTATE APPRAISERS STUDY**

Reps. Merton S. Dyer and Mary E. Brown (Executive Departments & Administration) and Sandra K. Dowd (Commerce, Small Business, Consumer Affairs & Economic Development) appointed by the Speaker.

Sens. David K. Wheeler, Sylvia B. Larsen and Thomas P. Colantuono, appointed by the President.

The committee may request input from the following:

A representative of the N.H. Appraisal Institute.

A representative of the American Association of Certified Appraisers.

A person who is either a member of the N.H. Bankers Association or the N.H. Mortgage Bankers Association who is not an appraiser.

A representative of the N.H. Association of Realtors.

A member of the N.H. Appraisal Board.

Two persons from the general public who are not real estate appraisers.

A member of the New Hampshire Municipal Association.

Any member of the general public.

A member of the New Hampshire Assessors Association.

**SB 156 (Chapter 306:2, Laws of 1995) LEAD ABATEMENT ISSUES STUDY**

Reps. Bonnie B. Packard and Eugene L. Gagnon, appointed by the Speaker.

Sens. David K. Wheeler and C. Jeanne Shaheen, appointed by the President.

The committee may seek input from the following:

Director, Division of Public Health Services, Department of Health and Human Services, or designee.

Insurance Commissioner, or designee.

Executive Director, New Hampshire Housing Finance Authority, or designee.

Executive Director, Community Loan Fund, or designee.

A representative of the New Hampshire Bankers Association.

A representative from the New Hampshire Property Owners Association.

A representative of New Hampshire Legal Assistance.

A representative of the New Hampshire Association of Realtors.

Representatives of the insurance industry.

A representative of the National Paint and Coatings Association.

Others as deemed appropriate by the committee.

**SB 168 (Chapter 272:2, Laws of 1995) RETAIL WHEELING AND RESTRUCTURING COMMITTEE**

Reps. Jeb E. Bradley, Lawrence J. Guay, Clifton C. Below, Anne C. Grassie, David S. Feng, Terence R. Pfaff, Karen K. McRae, Earl G. Legacy and John H. Thomas, appointed by the Speaker.

Sens. John S. Barnes, Jr., Leo W. Fraser, Jr., Beverly T. Rodeschin, Jim Rubens, C. Jeanne Shaheen, Burton J. Cohen, Thomas P. Colantuono, Bruce W. Keough and Frederick W. King, appointed by the President.

**SB 170 (Chapter 150:3, Laws of 1995) INFORMATION TECHNOLOGY REVIEW COMMITTEE**

Rep. Godfrey G. Howard, (Science, Technology & Energy), appointed by the Speaker.  
 Sen. Carl R. Johnson, (Economic Development), appointed by the President.  
 Commissioner, Department of Employment Security, shall serve as the chair.  
 Commissioner, Postsecondary Technical Education or designee.  
 Frank Cantanese, designee of the Commissioner, Department of Resources and Economic Development.  
 Commissioner, Administrative Services, or designee.  
 Kendall F. Wiggin, State Librarian  
 Craig Benson, Rochester; Kathleen R. Power, Boston; Dr. Gene Foster, Alton Bay, private-sector members appointed by the Governor.

**RSA 17-P - LITERACY AND REMEDIAL INSTRUCTION STUDY (HB 312, Chapter 288, Laws of 1995)**

Reps. Barbara L. Spear and Robert H. Guest (Education) and David S. Feng, appointed by the Speaker.  
 Sens. Sheila Roberge, Thomas P. Stawasz and Sylvia B. Larsen, appointed by the President.

**RSA 126-H:3 - HEALTHY KIDS CORPORATION (Expanded/extended by HB 598, Chapter 258, Laws of 1995)**

Members added:  
 Four members-at-large, appointed by the Healthy Kids Board of Directors.

**RSA 149-O:3 - RECYCLING MARKET DEVELOPMENT STEERING COMMITTEE (HB 350, Chapter 151, Laws of 1995)**

Rep. Perley E. Davis, appointed by the Speaker.  
 Sen. Richard L. Russman, appointed by the President.  
 Elizabeth A. Bedard, Coordinator, Governor's Recycling Program.  
 Mark Lennon, Supervisor, appointed by the Director, Division of Waste Management.  
 Commissioner, Department of Resources and Economic Development, or designee.  
 E. Dana Draper, Executive Director, Northeast Resource Recovery Association.  
 Anthony Urban, Director, Division of Plant and Property Management, Department of Administrative Services.

Barbara Bernstein, Concord, appointed by the New Hampshire Business and Industry Association; alternate, Tim Lewis, Keene.

A representative from the New Hampshire Business Development Corporation, or Business Finance Authority, or another statewide economic development organization, appointed by the Governor.

A representative of New Hampshire's environmental community, appointed by the Governor.  
 Joseph Musumeci, appointed by the New Hampshire Municipal Association.  
 Frederic C. Murphy, designee of the Commissioner, Department of Transportation.

**RSA 169-H - COMMISSION ON JUVENILE JUSTICE (HB 2, Chapter 308:87, Laws of 1995)**

Reps. David W. Hess and Pamela B. Bean, appointed by the Speaker.  
 Sens. David K. Wheeler and Debora B. Pignatelli, appointed by the President.  
 One member appointed by the governor.

**RSA 187-A:28-a UNIVERSITY SYSTEM STUDY COMMITTEE (HB 401, Chapter 292:2, Laws of 1995)**

Reps. Nils H. Larson, Jr., Barbara L. Spear and Stanley N. Searles, Sr. (Education) and Charles W. Ferguson (Finance), appointed by the Speaker.  
 Sens. George A. Lovejoy, (Education), Bruce W. Keough (Finance), and C. Jeanne Shaheen, appointed by the President.



**RSA 187-B:1 - ENVIRONMENTAL RESEARCH ADVISORY COMMITTEE (HB 351, Chapter 123, Laws of 1995)**

Rep. Kevin L. Camm, appointed by House Environment & Agriculture Chair.

Rep. Godfrey G. Howard, appointed by House Science, Technology & Energy Chair.

Rep. Cynthia J. Dokmo, appointed by House Resources, Recreation & Development Chair.

Rep. Harold G. Crossman, Jr., appointed by House Wildlife & Marine Resources Chair.

Sen. Burton J. Cohen, appointed by Senate Environment Chair.

Sen. Sheila Roberge, Senate Fish & Game/Recreation Chair.

Ihab Farag, appointed by the Dean, University of New Hampshire College of Engineering and Physical Sciences.

William W. Mantz, Interim Dean, University of New Hampshire, College of Life Sciences and Agriculture; alternate, Theodore E. Howard.

A member representing the Institute for Earth, Ocean and Space, appointed by the Director of the Institute.

Dr. Brian A. Giles, Dean, Thompson School of Applied Sciences.

William G. Lord, Extension Specialist, Fruit, appointed by the Director, University of New Hampshire Cooperative Extension.

One member to be appointed by the other committee members.

**RSA 188-F:58 - CHRISTA MCAULIFFE PLANETARIUM COMMISSION (HB 185, Chapter 133:13, Laws of 1995)**

Reps. Roland A. Sallada and Martha Fuller Clark, appointed by the Speaker.

Sens. Bruce W. Keough and Sylvia B. Larsen, appointed by the President.

Two members, appointed, with Council consent, by the Governor for a three-year term.

H. Jeffrey Rafn, Commissioner of Postsecondary Technical Education, the Commissioner of Cultural Affairs, Susan Aurbach, designee of the Commissioner of Education who shall serve as ex-officio members with voting rights.

Chairperson, Christa McAuliffe Planetarium Foundation.

**RSA 194-B:21 - CHARTER SCHOOLS OVERSIGHT COMMITTEE (SB 9, Chapter 260:6, Laws of 1995)**

The committee shall meet jointly at least once a year.

Reps. Nils H. Larson, Jr., William S. Belvin and Richard L. Champagne, appointed by the Speaker.

Sens. George A. Lovejoy, Sheila Roberge and Jim Rubens, appointed by the President.

One member of the State Board who shall serve in an advisory capacity as a non-voting member, appointed by the State Board Chair.

**RSA 201-A:24 - AUTOMATED INFORMATION SYSTEMS BOARD (Repealed/re-enacted by HB 344, Chapter 33:4, Laws of 1995)**

Rep. David Welch, appointed by the Speaker.

Sen. David P. Currier, appointed by the President.

Van MacLeod, Commissioner of Cultural Affairs, who shall be an ex-officio and non-voting member.

Kendall Wiggin, State Librarian.

Arthur Bryan, Milford; Paul Ericsson, Manchester; Marilyn Hanley, Keene; Charles LeBlanc, Concord; Elaine Stano, Plymouth, representing the regional system.

Michael York, Durham, representing the State Library Advisory Council, appointed by the Council Chair.

Lewis Harriman, Chairman, appointed by the Governor.

Marie Lasher, Manchester, appointed by the New Hampshire College and University Council.

Judi Crowley, Hampstead; Linda King, Bow; Doreen Powden, Bristol; Kathleen Teaze, Rye, representing each Library Forum.

Susan Snider, designee of the Commissioner of Education.

Katherine Doherty, Berlin, designee of the Commissioner of Postsecondary Technical Education.

Paula Chessin, Manchester, appointed by the New Hampshire Library Association.

Deirdre Angwin, Bedford, appointed by the New Hampshire Educational Media Association.

Peter Parker, North Hampton, appointed by the New Hampshire Library Trustees Association.

**RSA 238:20 - SCENIC AND CULTURAL BYWAYS COUNCIL (Expanded by HB 636, Chapter 106, Laws of 1995)**

Members Added:

Rep. Katherine D. Rogers, appointed by the Speaker.

Sen. Edward M. Gordon, appointed by the President.

**RSA 271-B:3 - SQUAM LAKE PUBLIC ACCESS TRUST PROGRAM (HB 168, Chapter 281, Laws of 1995)**

Reps. Robert J. LaFlam and Michael D. Whalley, appointed by the Speaker.

Sens. Edward M. Gordon and Carl R. Johnson, appointed by the President.

A selectman, representing Holderness, Ashland, Center Harbor, Sandwich or Moultonboro, appointed by a majority of the Senate and House Committee members.

John J. Gryval, Jr., Hooksett, appointed by the Public Water Access Advisory Board.

Toby Eaton, Center Sandwich, member from the Lakes Region Planning Commission; alternate, John Hodsdon.

One member of the Squam Lakes Association, appointed by the Association.

Sarah Thorne, appointed by the Society for the Protection of New Hampshire Forests.

Jeffrey Taylor, Director, Office of State Planning.

John S. Bowyer, designee of Executive Director, Department of Fish and Game.

Jacquie Blewett, designee of Commissioner, Department of Environmental Services.

Michael Ablowich, designee of State Treasurer.

**RSA 273-A:9, V - JOINT COMMITTEE ON EMPLOYEE RELATIONS (Repealed/re-enacted by HB 10, Chapter 9:36, Laws of 1995)**

Rep. Harold W. Burns, Speaker.

Rep. Ann M. Torr, Majority Leader.

Rep. Rick A. Trombly, Minority Leader.

Rep. Channing T. Brown, Finance Chair.

Rep. Franklin G. Torr, Finance Vice Chair.

Rep. Robert S. Hawkins, Labor, Industrial & Rehabilitative Services Chair.

Rep. Claudette R. Jean, Labor, Industrial & Rehabilitative Services, ranking minority member.

Sen. Joseph L. Delahunty, President.

Sen. John S. Barnes, Majority Leader.

Sen. John A. King, Minority Leader.

Sen. David P. Currier, Finance Chair.

Sen. Bruce W. Keough, Capital Budget Chair.

Sen. Thomas P. Colantuono, Ways and Means Chair.

Sen. Richard N. Danais, Insurance Chair.

Sen. Frederick W. King, Insurance Committee Vice Chair.

**RSA 281-A:62 - WORKERS' COMPENSATION ADVISORY COUNCIL (HB 310, Chapter 15:2, Laws of 1995)**

Member added:

1 person appointed by the Governor and Council, representing self-funded employers.

**RSA 282-A:128 - UNEMPLOYMENT COMPENSATION ADVISORY COUNCIL (HB 317, Chapter 275, Laws of 1995)**

Members added:

Rep. Paul R. Perkins (Labor, Industrial & Rehabilitative Services) appointed by the Speaker.

Sen. Richard N. Danais (Insurance), appointed by the President.

The remaining appointee, who shall be designated as chairman, shall be a person whose training and experience qualify him to deal with the problems of unemployment compensation.

**RESIGNATIONS, DEATH AND SPECIAL ELECTIONS****RESIGNED**

12/07/94	Graf. 14	Wadsworth, Karen O., r
01/16/95	Rock. 9	Michelin, Joseph F., r&d
02/03/95	Hills. 33	McClarín, Jim, l&r
06/19/95	Hills. 42	Dykstra, Leona, r
06/30/95	Hills. 30	Philbrook, Paula L., d
07/15/95	Straf. 7	Hambrick, Patricia A., d
07/17/95	Hills. 48	Luebker, Bernard J., r
08/16/95	Rock. 9	Cornell, A. Jefferson, r

**DECEASED**

08/31/95	Straf. 1	Nehring, William H., r
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**SPECIAL ELECTIONS (Took oath)**

03/22/95	Graf. 14	Guaraldi, Lawrence V., r
04/19/95	Rock. 9	Cornell, A. Jefferson, r

**SWORN LATE (Took oath)**

02/15/95	Hills. 36	Drabinowicz, A. Theresa, d
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**PARTY BREAKDOWN**

Republicans:	246 R,	33 R&D,	2 R&L,	1 R&D&L	=	282
Democrats:	88 D,	22 D&R,	0 D&L,	0 D&R&L	=	110
Libertarians:	0 L,	0 L&R,	0 L&D,	1 L&R&D	=	1

Total seats	=	400
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Currently elected and qualified:	=	393
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Vacancies: Resignations 6, Death 1,	=	7
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Men: 275

Women: 118

**TABLE OF REFERENCES  
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TO BILL NUMBERS**

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2	HB 106	52	HB 126	102	HB 596
3	HB 150	53	HB 141	103	HB 607
4	HB 200	54	HB 142	104	HB 613
5	HB 656	55	HB 194	105	HB 616
6	HB 110	56	HB 204	106	HB 636
7	HB 183	57	HB 214	107	HB 653
8	HB 165	58	HB 215	108	SB 1
9	HB 10	59	HB 410	109	SB 14
10	HB 11	60	HB 424	110	SB 15
11	HB 102	61	HB 427	111	SB 23
12	HB 103	62	HB 429	112	SB 30
13	HB 273	63	HB 432	113	SB 32
14	HB 302	64	HB 463	114	SB 37
15	HB 310	65	HB 467	115	SB 58
16	HB 364	66	HB 416	116	SB 60
17	HB 577	67	HB 430	117	SB 66
18	HB 582	68	HB 478	118	SB 80
19	HJR 2	69	HB 531	119	SB 99
20	HB 196	70	HB 563	120	SB 103
21	HB 261	71	HB 579	121	SB 121
22	HB 315	72	HB 631	122	HB 144
23	HB 381	73	HJR 4	123	HB 351
24	HB 51	74	SB 44	124	HB 409
25	HB 104	75	SB 76	125	HB 438
26	HB 121	76	SB 78	126	HB 645
27	HB 133	77	SB 112	127	HB 3
28	HB 137	78	SB 129	128	SB 87
29	HB 192	79	HB 421	129	HB 114
30	HB 202	80	HB 572	130	HB 117
31	HB 213	81	HB 55	131	HB 171
32	HB 257	82	HB 107	132	HB 176
33	HB 344	83	HB 120	133	HB 185
34	HB 443	84	HB 131	134	HB 205
35	HB 456	85	HB 154	135	HB 216
36	HJR 3	86	HB 161	136	HB 219
37	SB 83	87	HB 227	137	HB 334
38	SB 16	88	HB 300	138	HB 398
39	HB 118	89	HB 303	139	HB 400
40	HB 134	90	HB 307	140	HB 404
41	HB 195	91	HB 314	141	HB 437
42	HB 197	92	HB 370	142	HB 505
43	HB 198	93	HB 393	143	HB 529
44	HB 234	94	HB 405	144	HB 581
45	HB 241	95	HB 425	145	SB 25
46	HB 323	96	HB 442	146	SB 29
47	HB 346	97	HB 455	147	SB 106
48	HB 360	98	HB 470	148	SB 137
49	HB 406	99	HB 490	149	SB 155
50	HJR 1	100	HB 526	150	SB 170

Chapter	Bill	Chapter	Bill	Chapter	Bill
151	HB 350	204	HB 604	257	HB 571
152	HB 657	205	HB 609	258	HB 598
153	HB 115	206	HB 623	259	HB 650
154	HB 119	207	HB 641	260	SB 9
155	HB 298	208	HB 651	261	SB 12
156	HB 313	209	HB 658	262	SB 28
157	HB 326	210	SB 19	263	SB 52
158	HB 373	211	SB 20	264	SB 91
159	HB 412	212	SB 21	265	SB 116
160	HB 509	213	SB 27	266	SB 118
161	HB 511	214	SB 35	267	SB 122
162	HB 584	215	SB 56	268	SB 138
163	HB 646	216	SB 63	269	SB 149
164	SB 2	217	SB 81	270	SB 150
165	SB 5	218	SB 86	271	SB 151
166	SB 8	219	SB 111	272	SB 168
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168	SB 17	221	SB 158	274	HB 188
169	SB 54	222	SB 162	275	HB 317
170	SB 104	223	SB 163	276	HB 358
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172	HB 592	225	SB 160	278	SB 154
173	HB 230	226	HB 387	279	HB 50
174	HB 232	227	SB 31	280	HB 125
175	HB 309	228	HB 105	281	HB 168
176	HB 379	229	HB 109	282	HB 181
177	HB 639	230	HB 111	283	HB 203
178	SB 33	231	HB 140	284	HB 217
179	SB 74	232	HB 143	285	HB 245
180	SB 107	233	HB 149	286	HB 263
181	HB 179	234	HB 221	287	HB 270
182	HB 152	235	HB 252	288	HB 312
183	HB 116	236	HB 258	289	HB 333
184	HB 224	237	HB 316	290	HB 389
185	SB 53	238	HB 324	291	HB 390
186	HJR 5	239	HB 341	292	HB 401
187	HB 440	240	HB 342	293	HB 468
188	HB 56	241	HB 369	294	HB 508
189	HB 58	242	HB 375	295	HB 518
190	HB 60	243	HB 395	296	HB 532
191	HB 139	244	HB 435	297	HB 561
192	HB 295	245	HB 446	298	HB 588
193	HB 362	246	HB 485	299	HB 630
194	HB 414	247	HB 495	300	HB 643
195	HB 418	248	HB 502	301	HB 649
196	HB 436	249	HB 527	302	HB 652
197	HB 449	250	HB 539	303	SB 67
198	HB 494	251	HB 542	304	SB 75
199	HB 516	252	HB 545	305	SB 139
200	HB 519	253	HB 549	306	SB 156
201	HB 534	254	HB 551	307	HB 1
202	HB 573	255	HB 556	308	HB 2
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## HOUSE JOURNAL NUMERICAL INDEX

This index, arranged by bill and resolution numbers, gives page numbers for all action in the House on each numbered bill and resolution. They are listed in the following order:

HB	House Bills
HJR	House Joint Resolutions
HCR	House Concurrent Resolutions
HR	House Resolutions
SB	Senate Bills
SJR	Senate Joint Resolutions
SCR	Senate Concurrent Resolutions
SR	Senate Resolutions
CACR	Constitutional Amendment Concurrent Resolutions

To find a bill by its subject see the Subject Index immediately following this NUMERICAL index. All matters not relating to bills and resolutions will be found in the Subject Index.

The abbreviations listed below are used in the Numerical Index:

adop	adopted
am	amended, amendment
Com	re-referred to committee
conc	concurred, concurrence
conf	conference committee
Corrections	referred to Corrections and Criminal Justice committee
declined	referral to second committee declined
enr	enrolled
Exec. Depts	referred to Executive Departments and Administration committee
ext	extension of time for hearing
Finance	referred to Finance committee
intro	introduced, introduction
IP	indefinitely postponed
K	killed (inexpedient to legislate)
(K)	final action in 2nd body
LT	laid on table
nonconc	nonconcurred
opin	opinion
psd	passed
RC	roll call
rcmt	recommitted
recon	reconsideration, reconsidered
rej	rejected
rem	removed from consent calendar
rep	report
req	requests, requested
S	Senate
S Ct	New Hampshire Supreme Court
SO	special order
study	referred to interim study committee
wthd	withdrawn

## 1995 SESSION HOUSE BILLS

- HB 1-A**, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1996, and June 30, 1997. (C. Brown, Graf 14: Finance)  
351, am (RC) 646-650, psd 669, nonconc S am, conf 802-803, 839, rules suspended 850, rep adop 898-899, enr 911 (Chapter 307)
- HB 2-FN**, relative to state fees, funds, revenues and expenditures. (C. Brown, Graf 14: Finance)  
351, am 650-655, psd 669, nonconc S am, conf 803, 839, 878, rules suspended 850, rep adop (RC) 899-901, enr am 910, enr 911, appointments 912, 916 (Chapter 308)
- HB 3-FN-A**, making supplemental appropriations for the fiscal year ending June 30, 1995, and relative to state revenues, payments, and fees. (C. Brown, Graf 14, et al: Finance)  
441, am 586, psd 606, nonconc S am, conf 674, 697, 738, rep adop (RC) 780-782, enr 801 (Chapter 127)
- HB 4-9**, not introduced
- HB 10**, correcting references in the statutes to house and senate standing committee names. (A. Torr, Straf 12, et al: Legislative Administration)  
60, am 105, psd 117, S conc 533, enr 570, appointments 918 (Chapter 9)
- HB 11**, relative to certain statutory and chapter law study committees. (A. Torr, Straf 12, et al: Legislative Administration)  
60, am 105-106, psd 117, S conc 533, enr 569, dates extended 912 (Chapter 10)
- HB 12-24**, not introduced.
- HB 25-A**, making appropriations for capital improvements and establishing a committee to oversee and set priorities for certain appropriations. (G. Chandler, Carr 1, et al: Public Works and Highways)  
186, am (RC) & Finance 556-567, rules suspended 605, am 655-663, psd 669, nonconc S am, conf 803, 840, rules suspended 850, rep adop (RC) 902-904, enr 911 (Chapter 309)
- HB 26-49**, not introduced.
- HB 50-FN**, relative to state payment of medical benefits for dependents of certain state troopers who died in the line of duty. (A. Torr, Straf 12: Finance)  
**new title:** relative to health insurance coverage for retirement system member spouses and dependents.  
102, am 537-538, psd 568, conc S am 803, recon & nonconc S am, conf 833, 840, rep adop 864, enr am 870, enr 878 (Chapter 279)
- HB 51-FN**, naming a certain segment of New Hampshire route 101 the Jay McDuffee Highway. (A. Torr, Straff 12: Public Works and Highways)  
102, psd 210, 245, S conc 640, enr 669 (Chapter 24)
- HB 52-FN-L**, changing the age for application of the delinquency provisions from 18 to 17. (A. Torr, Straff 12: Corrections and Criminal Justice)  
133, am & Finance (RC) 542-553, rules suspended 605, 608 am (RC) 611-614, psd 638, nonconc S am, conf 803, 840, rep adop 864 (unable to agree)
- HB 53-FN**, relative to information technology management and relative to the information technology management advisory board. (A. Torr, Straf 12: Executive Departments and Administration)  
185, am 583-584, psd 606, S nonconc 808
- HB 54-FN**, relative to the permanently and totally disabled and aid to families with dependent children. (A. Torr, Straf 12: Finance)  
185, com change rej (RC) 187-190, rules suspended 608, am 614-616, psd 638, S nonconc 808
- HB 55-FN-A**, to address anticipated budget shortfalls in the department of health and human services. (A. Torr, Straf 12: Finance)  
185, com change rej 187-190, am (3 RCs) 616-628, psd 638, S conc 784, enr 778 (Chapter 81)

- HB 56-FN-A**, relative to the interest and dividends tax and relative to certain credits against the business profits tax. (A. Torr, Straf 12: Finance)  
185, am (2 RCs) 586-592, psd 606, S conc 807, enr 853 (Chapter 188)
- HB 57**, granting the governor reorganization authority to reduce state general fund appropriations. (A. Torr, Straf 12: Finance)  
186, rules suspended 608, K (RC)628-630
- HB 58-FN-A**, increasing the supervision and service charge for parolees and probationers, and establishing a corrections supervision fund, and making an appropriation therefor. (A. Torr, Straf 12: Corrections and Criminal Justice)  
**new title:** increasing the supervision and service charge for parolees and probationers, and establishing a corrections supervision revolving fund.  
**2nd new title:** increasing the supervision and service charge for parolees and probationers.  
186, am & Finance 536-537, rules suspended 608, am 630-631, psd 638, S conc 807, enr 860 (Chapter 189)
- HB 59-FN-L**, relative to children's services and pertaining to delinquent children, abused and neglected children, children in need of services, and financial responsibility for certain expenses. (A. Torr, Straf 12: Judiciary and Family Law)  
441, am & Finance 596-601, rules suspended 608, am 631, psd 638, S nonconc 808
- HB 60-FN**, relative to health care and pertaining to certificate of need requirements, the health care transition fund, the children's health plan, participation in the medicaid health insurance program, primary preventive health services, and medicaid and disability coverage, and repealing certain programs. (A. Torr, Straf 12: Health, Human Services and Elderly Affairs)  
**new title:** relative to health care and making certain appropriations therefor and pertaining to certificate of need requirements, the health care transition fund, the children's health plan, participation in the medicaid health insurance program, primary preventive health services, and medicaid and disability coverage, and repealing certain programs.  
441, Finance (RC) 593-596, rules suspended 605, 608, am 631-633, psd 639, S conc 807, enr 860 (Chapter 190)
- HB 61-FN**, consolidating and reorganizing the pari-mutuel commission and sweepstakes commission into the racing and lottery commission. (A. Torr, Straf 12: Executive Departments and Administration)  
441, Com 584
- HB 62-100**, not introduced.
- HB 101**, increasing the age that child passenger restraints are required from 12 years of age to 18 years of age. (Cloutier, Sull 8; et al: Transportation)  
27, SO 439, K (RC) 511-514
- HB 102**, establishing terms of office for police chiefs and police officers elected by towns. (J. Flanders, Rock 18, et al: Municipal and County Government)  
**new title:** allowing towns to establish terms of office for police chiefs and police officers elected by towns.  
27, am 96, psd 101, S conc 533, enr 570 (Chapter 11)
- HB 103**, relative to the qualifications of the adjutant general. (Welch, Rock 18, et al: Public Protection and Veterans Affairs)  
27, psd 114, 118, S conc 533, enr 570 (Chapter 12)
- HB 104**, establishing a study committee to examine the development of interactive communication systems among the public schools in the state. (Peters, Hills 8, et al: Education)  
**new title:** extending the reporting date for the committee to examine the development of interactive communication systems among the public schools established by 1994, 352:1, and adding entities to which the report shall be made.  
27, am 138, psd 176, S conc 640, enr 669, date extended 912 (Chapter 25)
- HB 105**, relative to amateur boxing. (McRae, Hills 7, et al: Executive Departments and Administration)  
27, am 418, psd 440, nonconc S am, conf 783, 807, rep adop 860, enr 869 (Chapter 228)



- HB 106**, requiring that OHRV administrative license suspension be conducted pursuant to the motor vehicle administrative license suspension procedure. (Douglass, Straf 16: Transportation)  
27, am 98-99, psd 101, S conc 187, enr 246 (Chapter 2)
- HB 107**, expanding the authority of the executive director of fish and game to adopt rules relative to marine species. (Douglass, Straf 16: Wildlife and Marine Resources)  
27, psd 217, 245, S conc 739, enr 742 (Chapter 82)
- HB 108**, changing certain specific terminology to more general terminology in certain fish and game laws. (Douglass, Straf 16: Wildlife and Marine Resources)  
27, am 100, psd 101, S conc 675, enr 699 (Chapter 51)
- HB 109**, relative to what constitutes prostitution. (Hambrick, Straf 7, et al: Corrections and Criminal Justice)  
27, psd 127, 132, nonconc S am, conf 674, 738, rep adop 864, enr 869 (Chapter 229)
- HB 110**, relative to child restraints on motorcycles. (S. Packard, Rock 29, et al: Transportation)  
27, psd 113, 118, S conc 248, enr 352 (Chapter 6)
- HB 111**, relative to agreements to pay compensation for abandoned property recovery. (B. Packard, Hills 19: Commerce, Small Business, Consumer Affairs and Economic Development)  
27, am 135-136, psd 176, nonconc S am, conf 783, 807, rep adop 863, enr 869 (Chapter 230)
- HB 112**, clarifying the administrative powers of the department of environmental services relative to dams, mills, and flowage. (Dickinson, Carr 2, et al: Executive Departments and Administration)  
27, K 364
- HB 113-FN**, prohibiting cigarette vending machines in areas to which minors have access. (Cloutier, Sull 8: Commerce, Small Business, Consumer Affairs and Economic Development)  
27, K 271
- HB 114-FN**, establishing a brew pub liquor license and fees for the license. (R. Kelley, Hills 18: Regulated Revenues)  
27, am (RC) 332-335, psd 350, conc S am 697, enr 786 (Chapter 129)
- HB 115-FN**, increasing fees for certain fish and game licenses for nonresidents and establishing a nonresident hunting and fishing license. (Douglass, Straf 16: Wildlife and Marine Resources)  
27, Finance 100, psd 121, 132, S conc 784, enr 811 (Chapter 153)
- HB 116-FN**, establishing a committee to study the operation and funding of the New Hampshire veterinary diagnostic laboratory and authorizing the commissioner to collect fees for drug testing of animals competing in livestock events. (L. Pratt, Coos 4, et al: Environment and Agriculture)  
**new title:** establishing a committee to study the operation and funding of the New Hampshire Veterinary diagnostic laboratory.  
**2nd new title:** establishing a committee to study the operation and funding of the New Hampshire veterinary diagnostic laboratory and adding the state veterinarian as a member of the board of veterinary medicine.  
27, am 287, psd 350, conc S am 783, enr 838, appointments 912 (Chapter 183)
- HB 117-FN**, changing the name of the department of agriculture to the department of agriculture, markets, and food; clarifying the mission of the department and the responsibilities of the commissioner; and revising the composition and responsibilities of the agricultural advisory board. (Teschner, Graf 5, et al: Environment and Agriculture)  
27, am 228, psd 245, S conc 533, enr am 741, enr 786 (Chapter 130)
- HB 118-FN**, expanding activities permitted under special hunting licenses for persons 68 years of age or older. (L'Heureux, Hills 18, et al: Wildlife and Marine Resources)  
27, psd 100, 101, S conc 640, enr 673 (Chapter 39)

- HB 119-FN**, extending the animal population control program. (K. Wheeler, Straf 8, et al: Environment and Agriculture)  
27, rules suspended 248, Finance 287, psd 538, 568, S conc 784, enr 811 (Chapter 154)
- HB 120**, prohibiting certain motorboats on Flint Pond in the town of Hollis. (Wright, Hills 22, et al: Transportation)  
27, psd 114, 118, S conc 739, enr 778 (Chapter 83)
- HB 121**, relative to the definition of “wrongful dishonor” under article 4 of the uniform commercial code. (Hunt, Ches 10, et al: Commerce, Small Business, Consumer Affairs and Economic Development)  
27, psd 103, 117, S conc 640, enr 669 (Chapter 26)
- HB 122**, increasing the penalties for simple assault against a family or household member or intimate partner. (Knowles, Straf 11, et al: Corrections and Criminal Justice)  
27, K 363
- HB 123**, authorizing conservation officers to enforce motor vehicle laws. (McGuirk, Ches 1, et al: Public Protection and Veterans Affairs)  
28, SO 439, K 474
- HB 124**, permitting emergency interception of oral communications without prior court authorization under certain circumstances involving immediate danger of death or serious bodily injury. (D. Sytek, Rock 26, et al: Corrections and Criminal Justice)  
28, rem 353, SO 439, am, IP & recon rej 518-519
- HB 125**, making technical corrections and clarifications in the wiretapping and eavesdropping statutes. (D. Sytek, Rock 26, et al: Corrections and Criminal Justice)  
**new title:** clarifying definitions in the wiretapping and eavesdropping statutes.  
28, SO 401, am & rcmt (RC)458-463, am 580-582, psd 605, conc S am 847, enr am 870, enr 878 (Chapter 280)
- HB 126**, establishing a student activity center account for the New Hampshire technical institute. (G. Chandler, Carr 1, et al: Public Works and Highways)  
28, Finance 97, declined 117, psd 118, S conc 640, enr 699 (Chapter 52)
- HB 127**, relative to the statement which must be signed by applicants for notary public or justice of the peace. (Hart, Hills 37: Judiciary and Family Law)  
28, psd 95, 101, S conc 640, enr 669, veto sustained (RC) 885-888
- HB 128-FN-L**, establishing distribution requirements for state aid to education. (J. Bradley, Carr 8: Education)  
28, K 138
- HB 129**, relative to unlicensed dogs and nuisance dogs. (Milligan, Hills 18, et al: Municipal and County Government)  
28, K 96
- HB 130-FN**, relative to separate election ballots for straight ticket voting. (Whittemore, Merr 13: Constitutional and Statutory Revision)  
28, K 95
- HB 131-FN**, allowing the state to recover from counties funds which are paid to owners after escheatment. (B. Packard, Hills 19: Executive Departments and Administration)  
28, am & Finance 104, psd 140, 176, S conc 696, enr 742 (Chapter 84)
- HB 132**, relative to life imprisonment for persons who have committed 3 or more serious violent felonies. (Hess, Merr 11, et al: Corrections and Criminal Justice)  
28, rem 119, K 131
- HB 133-L**, allowing the local governing body to set certain fees. (Emerton, Hills 7: Municipal and County Government)  
28, am 96-97, psd 101, S conc 533, enr 669 (Chapter 27)
- HB 134**, amending the charter of the union school district of Keene. (R. Champagne, Ches 19, et al: Constitutional and Statutory Revision)  
28, psd 100, 101, S conc 640, enr 673 (Chapter 40)

- HB 135**, exempting insurers of private landowners who donate the use of their land to a political subdivision that provides adequate insurance coverage of its own from liability arising from such use of private lands. (Horton, Coos 3: Commerce, Small Business, Consumer Affairs and Economic Development)  
28, K 136
- HB 136**, requiring motor vehicle dealers to sell vehicles with certificates showing compliance with the emissions statutes. (Lefebvre, Hills 31: Science, Technology and Energy)  
28, K 113
- HB 137**, relative to taxation on abandoned manufactured housing units. (Dowling, Rock 13, et al: Municipal and County Government)  
28, am 106-107, psd 117, S conc 533, enr 669 (Chapter 28)
- HB 138**, relative to the appointment of inspectors of election. (Shaw, Merr 12: Constitutional and Statutory Revision)  
28, K 114
- HB 139**, establishing a nearshore water use activity zone on Big Squam Lake and Little Squam Lake. (Laflam, Belk 2: Transportation)  
**new title:** requiring a study of certain phosphate levels in the no-wake zone on Big Squam Lake and Little Squam Lake.  
28, SO 439, am 514-515, psd 528, conc S am 803, enr am 848-849, enr 860 (Chapter 191)
- HB 140**, relative to safe school zones. (D. Sytek, Rock 26, et al: Corrections and Criminal Justice)  
28, rem 190, rcmt 241-242, am 401-402, psd 440, nonconc S am, conf 838, 840, 842, rep adop 864, enr 869 (Chapter 231)
- HB 141**, creating an alternative form of local government to allow towns, school districts, and village districts to vote on their annual operating budgets by official ballot. (Hess, Merr 11, et al: Municipal and County Government)  
**new title:** enabling towns, school districts and village districts to use the official ballot for voting on budgetary warrant articles and amending the charter process.  
28, am (RC) 326-330, psd 350, S conc 675, enr 699 (Chapter 53)
- HB 142**, regulating boaters and divers as to the use of dive flags. (Sallada, Hills 4, et al: Transportation)  
28, am 113-114, psd 118, S conc 675, enr 699 (Chapter 54)
- HB 143**, relative to transporting loads on highways and establishing fines. (S. Packard, Rock 29: Transportation)  
**new title:** relative to transporting loads on highways.  
28, am 216-217, psd 245, nonconc S am, conf 674, 738, rep adop 859, enr 869 (Chapter 232)
- HB 144**, allowing certain liquor licensees to conduct liquor tasting on licensed premises. (Behrens, Sull 2: Regulated Revenues)  
**new title:** allowing certain liquor licensees to conduct liquor tasting on licensed premises and allowing manufacturers to sell certain food products containing alcoholic beverages to restaurants with liquor licenses.  
28, am 145-146, psd 177, conc S am 697, enr 778 (Chapter 122)
- HB 145**, establishing a committee to study the problem of noise pollution. (Ham, Graf 4: Science, Technology and Energy)  
28, SO 175, K 181
- HB 146**, prohibiting studded tires in the non-winter months. (Ham, Graf 4: Transportation)  
28, K 114
- HB 147**, prohibiting banks from charging fees to second party recipients of insufficient funds checks. (Desrosiers, Hills 45: Commerce, Small Business, Consumer Affairs and Economic Development)  
28, K 136

- HB 148-L**, permitting the polling places in small towns to be open for fewer than 8 hours. (J. Bradley, Carr 8, et al: Constitutional and Statutory Revision)  
29, Com 104
- HB 149-FN**, regulating fertilizer and agricultural liming materials. (L. Pratt, Coos 4, et al: Environment and Agriculture)  
29, Finance 129, am 203, psd 245, S conc 784, enr am 867-868, enr 869 (Chapter 233)
- HB 150-FN**, allowing certain persons to register and inspect their vehicles prior to the anniversary date. (Bartlett, Belk 6: Transportation)  
29, am 99-100, psd 101, S conc 248, enr 349 (Chapter 3)
- HB 151-FN**, establishing a special license plate program, including related fees. (S. Packard, Rock 29, et al: Transportation)  
29, Com 345
- HB 152-FN**, allowing the New Hampshire technical institute and technical colleges to apply for accreditation other than as a technical institute or technical college. (Larson, Graf 8, et al: Education)  
**new title:** allowing the New Hampshire technical institute and technical colleges to apply for accreditation other than as a technical institute or technical college, renaming the department, the institute and colleges, and making administrative revisions.  
29, rules suspended 352, am & Finance 407-412, psd 571, 605, S conc 739, enr am 809-810, enr 838 (Chapter 182)
- HB 153-FN**, adding the Orford-Fairlee bridge over the Connecticut River to the 10-year transportation plan. (Teschner, Graf 5, et al: Public Works and Highways)  
29, K 98
- HB 154-FN**, relative to driver license application searches and establishing a fee. (Turgeon, Hills 47: Transportation)  
**new title:** relative to temporary registrations, approval of certain vehicle equipment and driver license application searches and establishing a fee.  
29, am & Finance 148-150, psd 571, 605, S conc 696, enr 742 (Chapter 85)
- HB 155**, exempting landing areas of certain privately owned airports from property taxation. (Weyler, Rock 18, et al: Municipal and County Government)  
29, rem 135, SO 175, K 182-183
- HB 156-A**, relative to refinancing the cost and rehabilitation of the Cheshire Bridge. (Lindblade, Sull 7, et al: Public Works and Highways)  
29, K 244
- HB 157**, establishing a committee to study the cost of the rabies vaccine for human beings and other issues relative to rabies. (Lockwood, Merr 9: Environment and Agriculture)  
29, Com 413
- HB 158**, prohibiting late payment fees on consumer installment credit payments. (Hemon, Straf 11: Commerce, Small Business, Consumer Affairs and Economic Development)  
29, rem 119, K 131
- HB 159-FN**, establishing a one-day justice of the peace certificate and certificate fee. (Fenton, Hills 24, et al: Judiciary and Family Law)  
29, K 95-96
- HB 160-L**, relative to the definition of "good cause" for the purpose of property tax abatements. (Fenton, Hills 24, et al: Municipal and County Government)  
29, K 97
- HB 161**, permitting residents at the Hillsborough county nursing home to fish without a license. (Milligan, Hills 18, et al: Wildlife and Marine Resources)  
**new title:** authorizing the executive director of fish and game to issue complimentary fishing permits to certain persons.  
29, am 384-385, psd 440, S conc 696, enr 778 (Chapter 86)

- HB 162-L**, relative to the rate setting duties of the department of revenue administration. (R. Dodge, Rock 4: Municipal and County Government)  
29, K 97
- HB 163-FN-L**, allowing districts not maintaining a high school to limit the amount of tuition paid for resident pupils. (Stone, Rock 7, et al: Education)  
29, K 202
- HB 164-FN**, exempting certain vehicles from the emissions inspection and maintenance program. (A. Merrill, Straf 8: Science, Technology and Energy)  
29, SO 244, K 249
- HB 165**, relative to the public use of shorelands. (Dickinson, Carr 2, et al: Resources, Recreation and Development)  
29, am 125, psd 132, S conc 533, enr 531 (Chapter 8)
- HB 166**, relative to vehicles impeding the flow of traffic. (Loder, Straf 8, et al: Transportation)  
29, K 126
- HB 167**, relative to appointing the members of the ballot law commission. (Arnold, Hills 20, et al: Executive Departments and Administration)  
29, rem 103, K 114
- HB 168-FN-A**, authorizing the department of fish and game to acquire land on Squam Lake for the purpose of providing public access and making an appropriation therefor. (Laflam, Belk 2: Resources, Recreation and Development)  
**new title:** establishing the Squam Lakes Public Access Trust Program.  
29, rules suspended 248, am & Finance 335-338, am 572-573, psd 605, conc S am 803, enr am 870, enr 878, appointments 918 (Chapter 281)
- HB 169**, relative to medical records and the fee for retrieving medical record copies. (Emerton, Hills 7: Health, Human Services and Elderly Affairs)  
29, K 95
- HB 170**, relative to resuscitation under a living will or a durable power of attorney for health care. (Senter, Rock 16, et al: Judiciary and Family Law)  
29, K 105
- HB 171**, relative to possession of scanners when committing a crime. (Senter, Rock 16, et al: Corrections and Criminal Justice)  
**new title:** relative to an extended term of imprisonment for possession of a radio device while committing certain crimes.  
29, am 255, psd 350, conc S am 697, enr am 785, enr 801 (Chapter 131)
- HB 172-L**, relative to the property tax exempt status of agricultural fairgrounds. (Wendelboe, Belk 2, et al: Municipal and County Government)  
29, K 123
- HB 173-FN**, relative to notification for court ordered out-of-district placement for delinquent children. (V. Clark, Rock 17: Judiciary and Family Law)  
29, K 105
- HB 174-FN**, authorizing a certain temporary nonresident fishing license and setting the license fee. (Christie, Rock 22: Wildlife and Marine Resources)  
30, K 126
- HB 175-FN**, limiting apportionment for capital and operating expenses to average daily membership, equalized valuation, or a combination of the 2, unless determined otherwise by majority vote. (Jacobson, Merr 2: Education)  
30, Com 256
- HB 176**, relative to the disciplinary, investigative, and subpoena powers of the board of chiropractic examiners and authorizing the board to impose civil penalties. (Dowd, Rock 13, et al: Executive Departments and Administration)  
30, am 290, psd 350, S conc 533, enr am 785, enr 801 (Chapter 132)

- HB 177**, relative to zoning requirements for family day care homes. (Behrens, Sull 2: Municipal and County Government)  
30, SO 175, K 181
- HB 178-FN**, allowing persons to purchase protective insurance against the cost of a search and rescue. (Laughlin, Hills 41: Commerce, Small Business, Consumer Affairs and Economic Development)  
30, K 150
- HB 179-FN-A**, relative to the reconstruction of the railroad overpass on NH route 135 near the John's River in the town of Dalton and making an appropriation therefor. (W. McCarty, Hills 38, et al: Public Works and Highways)  
**new title:** establishing the department of youth development services, abolishing the bureau of residential services, and relative to the reconstruction of a certain railroad overpass and making an appropriation therefor.  
30, Finance 98, am 121, psd 132, conc S am (RC) 797-800, enr am 810-811, enr 838 (Chapter 181)
- HB 180-FN**, permitting the use of certain snares, which shall be subject to the same terms and conditions as other traps. (McGuirk, Ches 1: Wildlife and Marine Resources)  
30, K 126
- HB 181-FN**, relative to the fuel oil discharge fund. (Behrens, Sull 2: Environment and Agriculture)  
**new title:** establishing the motor oil discharge cleanup fund.  
30, rules suspended 248, am & Finance 288-289, am 538-540, psd 568, nonconc S am, conf 803,840, rep adop 864, enr am 870, enr 878 (Chapter 282)
- HB 182-FN**, relative to inspection of buildings for indoor air quality. (Chabot, Hills 48, et al: Health, Human Services and Elderly Affairs)  
30, K 172
- HB 183-FN**, repealing 1991, 152 relative to funding the Women's War Memorial. (D. Welch, Rock 18, et al: Public Protection and Veterans Affairs)  
30, psd 110, 118, S conc 352, enr 394 (Chapter 7)
- HB 184-FN**, requiring the department of transportation to install traffic control lights at the intersection of New Hampshire routes 108 and 85. (Coes, Rock 19; Cohen, Dist 24: Public Works and Highways)  
30, K 98
- HB 185**, transferring the Christa McAuliffe planetarium commission to the department of postsecondary technical education, and repealing certain rulemaking provisions. (Sallada, Hills 4, et al: Executive Departments and Administration)  
30, am 138-140, psd 176, conc S am 674, enr am 785, enr 801, appointments 917 (Chapter 133)
- HB 186**, prohibiting a person whose driver's license has been suspended or revoked for reckless driving or driving while under the influence of alcohol or drugs, from operating a motorized vessel. (Syracusa, Rock 33, et al: Transportation)  
30, K 217
- HB 187**, permitting one-party consent recording of communications under certain circumstances by presumed victims of criminal offenses, abuse or sexual harassment. (D. Sytek, Rock 26, et al: Corrections and Criminal Justice)  
30, IP (RC) 402-405
- HB 188**, establishing a study committee concerning disclosure requirements for bonds issued by political subdivisions. (Hess, Merr 11, et al: Commerce, Small Business, Consumer Affairs and Economic Development)  
30, am 136, psd 176, conc S am 803, enr 869, appointments 913 (Chapter 274)
- HB 189**, providing that a parent or household member who commits a criminal assault on a parent of a minor in the presence of the minor has endangered the welfare of such child. (J. Brown, Straf 17, et al: Corrections and Criminal Justice)  
30, K 195

- HB 190**, making luring a minor a crime. (J. Brown, Straf 17, et al: Corrections and Criminal Justice)  
30, Com 363
- HB 191-L**, requiring a cooperative school district to base a certain minimum of its capital outlay costs on a town's valuation. (Avery, Ches 8, et al: Education)  
30, K 138
- HB 192**, relative to certification of assessments against public utilities by the public utilities commission. (C. Brown, Graf 14: Science, Technology and Energy)  
**new title:** changing the reporting dates for certification of assessments against public utilities by the public utilities commission.  
30, am 214-215, psd 245, S conc 533, enr 669 (Chapter 29)
- HB 193**, repealing requirements concerning the way cemetery trustees are elected. (Burke, Hills 15, et al: Municipal and County Government)  
53, K 208
- HB 194**, relative to the equipment required on all terrain vehicles. (Royce, Ches 9, et al: Transportation)  
30, SO 175, psd 181, 183, S conc 675, enr 699 (Chapter 55)
- HB 195**, authorizing the department of safety to impose administrative fines on certain safety inspection stations. (Malcolm, Rock 22, et al: Executive Departments and Administration)  
31, am 290, psd 350, S conc 640, enr 673 (Chapter 41)
- HB 196-L**, permitting municipalities and counties to establish reserve funds for non-capital purposes and eliminating the necessity for municipalities to distinguish between capital reserve funds and publicly funded trust funds. (Stone, Rock 7, et al: Municipal and County Government)  
**new title:** permitting municipalities and counties to establish reserve funds for non-capital purposes and eliminating the necessity for municipalities and school districts to distinguish between capital reserve funds and publicly funded trust funds.  
31, am 107-109, psd 118, S conc 533, enr 570 (Chapter 20)
- HB 197**, establishing a committee to study the water sources on the seacoast. (Malcolm, Rock 22: Resources, Recreation and Development)  
**new title:** authorizing the formation of a water district to address water issues on the seacoast.  
31, am 112, psd 118, S conc 675, enr 673 (Chapter 42)
- HB 198-L**, relative to school district participation in capital improvement programs. (Ferguson, Hills 13, et al: Municipal and County Government)  
31, psd 97, 101, S conc 640, enr 673 (Chapter 43)
- HB 199**, relative to telephone solicitation. (Coughlin, Merr 16: Commerce, Small Business, Consumer Affairs and Economic Development)  
31, K 150
- HB 200-L**, relative to the application and eligibility for bridge aid. (G. Chandler, Carr 1, et al: Public Works and Highways)  
31, Finance 101, declined 117, psd 118, S conc 248, enr 349 (Chapter 4)
- HB 201**, relative to the voting procedure at primary elections for registered members of political parties. (Flanagan, Rock 14: Constitutional and Statutory Revision)  
31, K 104
- HB 202**, relative to minimum capital requirements for savings banks and trust companies. (Lindblade, Sull 7, et al: Commerce, Small Business, Consumer Affairs and Economic Development)  
31, psd 114, 118, S conc 640, enr 669 (Chapter 30)
- HB 203**, relative to trust company commencement of business. (Lindblade, Sull 7, et al: Commerce, Small Business, Consumer Affairs and Economic Development)  
31, am 103-104, psd 117, nonconc S am, conf 645, 676, rep adop 863, enr am 870, enr 878 (Chapter 283)

- HB 204**, exempting hospitals licensed by the state from certain provisions of the New Hampshire pharmacists and pharmacies statutes. (D. Sytek, Rock 26, et al: Commerce, Small Business, Consumer Affairs and Economic Development)  
31, am 353, psd 439, S conc 675, enr 699 (Chapter 56)
- HB 205-L**, relative to university of New Hampshire cooperative extension programs. (Schotanus, Sull 3, et al: Education)  
31, am 120, psd 132, S conc 640, enr am 785, enr 801 (Chapter 134)
- HB 206-L**, allowing local school districts to implement dress codes and uniform requirements. (Vaughn, Rock 35, et al: Education)  
31, K 120
- HB 207**, requiring the department of fish and game to obtain approval from the public boat access advisory board before any funds are spent for acquisitions or improvements. (Merritt, Straf 8, et al: Resources, Recreation and Development)  
31, Com 212
- HB 208**, permitting municipalities and nonprofit organizations to erect temporary advertising devices promoting events. (Ham, Graf 4: Public Works and Highways)  
31, K 110-111
- HB 209-L**, requiring that warrant articles on planning and zoning issues use common landmarks and street names for setting boundaries and relative to posting the town map. (Fenton, Hills 24, et al: Municipal and County Government)  
31, K 109
- HB 210**, establishing a study committee to review options for promoting economic development through the timely remediation of non-superfund sites. (Burnham, Ches 8, et al: Environment and Agriculture)  
31, Com 413
- HB 211-L**, changing the school foundation aid distribution formula. (Larson, Graf 8: Education)  
**new title:** changing the school foundation aid distribution formula, and providing for sweepstakes powerball revenue to be used for state aid to education.  
31, rules suspended 248, am & Finance 282-283, am & SO 592, am (RC) 608-611, psd 638, nonconc S am, conf 803, 840, IP 911
- HB 212**, relative to children's firearm safety. (Hambrick, Straf 7, et al: Public Protection and Veterans Affairs)  
31, K 263-264
- HB 213**, relative to license surrender by lenders regulated by the banking department. (Lindblade, Sull 7, et al: Commerce, Small Business, Consumer Affairs and Economic Development)  
31, am 120, psd 132, S conc 640, enr 669 (Chapter 31)
- HB 214**, relative to banking department examinations of first and second mortgage loan licensees. (Lindblade, Sull 7, et al: Commerce, Small Business, Consumer Affairs and Economic Development)  
31, am 120, psd 132, S conc 675, enr 699 (Chapter 57)
- HB 215**, relative to fees charged by mortgage lenders and brokers, requirements for disclosures by mortgage lenders, and an exemption from first mortgage lender licensing requirements. (B. Packard, Hills 19, et al: Commerce, Small Business, Consumer Affairs and Economic Development)  
31, am 190-191, psd 244, S conc 640, enr 699 (Chapter 58)
- HB 216**, requiring sales finance companies to file annual reports with the bank commissioner. (B. Packard, Hills 19, et al: Commerce, Small Business, Consumer Affairs and Economic Development)  
32, psd 136, 176, S conc 641, enr am 741, enr 786 (Chapter 135)



- HB 217**, relative to the profession of engineering. (Boucher, Rock 29: Executive Departments and Administration)  
**new title:** relative to the profession of engineering and the boards of engineers, architects, land surveyors, natural scientists, and foresters.  
32, am 291-309, psd 350, conc S am 674, enr am 871-873, enr 878 (Chapter 284)
- HB 218-FN**, authorizing the department of environmental services, division of water resources, to acquire Hawkins Pond dam in Centre Harbor. (D. Lawton, Belk 1: Resources, Recreation and Development)  
32, Finance 212, Com 367
- HB 219**, authorizing professional engineers to prepare mortgage loan inspection reports. (McCann, Straf 11, et al: Executive Departments and Administration)  
**new title:** exempting the preparation of mortgage plot plans and mortgage inspection reports from application of the chapter regulating engineers, architects, land surveyors, foresters, and natural scientists.  
32, rem 190, SO 244, am 251-252, psd 349, S conc 739, enr 786 (Chapter 136)
- HB 220**, creating a committee to study the establishment of a New Hampshire volunteer program. (Lovett, Graf 6, et al: Executive Departments and Administration)  
32, K 203
- HB 221**, relative to administrative fines for violations of RSA 313-A, relative to barbering, cosmetology, and esthetics. (P. Wells, Hills 16: Executive Departments and Administration)  
**new title:** changing the board membership and relative to administrative fines for violations of RSA 313-A, relative to barbering, cosmetology, and esthetics.  
32, Finance 100-101, declined 117, psd 118, nonconc S am, conf 697, 738, rep adop 860, enr 869 (Chapter 234)
- HB 222**, relative to access to homes by manufactured housing park owners. (Lozeau, Hills 30, et al: Commerce, Small Business, Consumer Affairs and Economic Development)  
32, am 136-137, psd 176, nonconc S am, conf 607, 782, rep rej 864, IP 911
- HB 223**, relative to the losing party's payment of the prevailing party's costs in tort actions. (Dickinson, Carr 2, et al: Judiciary and Family Law)  
32, rem 103, K (RC) 114-117
- HB 224**, prohibiting the construction of public access areas without preliminary approval of the public access advisory board. (Dickinson, Carr 2, et al: Resources, Recreation and Development)  
**new title:** establishing a study committee on the functions and responsibilities of the wetlands board.  
**2nd new title:** establishing a study committee on the functions and responsibilities of the wetlands board and extending the reporting date for the convention center study committee.  
32, SO 439, am 474-475, psd 528, conc S am 783, enr 838, date extended 912, appointments 913 (Chapter 184)
- HB 225-L**, allowing local governing bodies to offer tax incentives to foster growth in new and existing business construction. (Steere, Ches 11, et al: Municipal and County Government)  
32, Com 129
- HB 226**, clarifying the penalties for overloaded vehicles. (S. Packard, Rock 29: Executive Departments and Administration)  
32, K 140
- HB 227-L**, requiring the commissioner of revenue administration to establish standards relating to finance and budget matters for municipalities. (C. Brown, Graf 14: Municipal and County Government)  
**new title:** requiring the division of municipal services, department of revenue administration, to establish a standard technical assistance manual for municipalities on finance and budget matters, which may be purchased from the division.  
32, am 109-110, psd 118, S conc 696, enr 742 (Chapter 87)

- HB 228**, prohibiting a person from working at a polling place as an election officer if a member of the officer's immediate family is on the ballot. (Buckley, Hills 44, et al: Constitutional and Statutory Revision)  
32, Com 170
- HB 229**, relative to ticket scalping. (Buckley, Hills 44, et al: Commerce, Small Business, Consumer Affairs and Economic Development)  
32, Com 218
- HB 230**, relative to the physical therapy practice act. (P. Wells, Hills 16, et al: Health, Human Services and Elderly Affairs)  
32, rules suspended 248, am & Exec. Depts 257-259, am 584-585, psd 606, S conc 739, enr am 811, enr 838 (Chapter 173)
- HB 231**, limiting liability of trappers for certain accidents involving domestic animals. (McGuirk, Ches 1: Wildlife and Marine Resources)  
32, rem 190, rcmt 243, rem 353, SO 439, am & IP rej 527, psd 528, S K 911
- HB 232**, changing the date of final written notification for teachers who are not being renominated or elected from March 31 to April 30. (R. Dodge, Rock 4: Education)  
**new title:** changing the date of final written notification for teachers who are not being renominated or elected from March 31 to April 15.  
32, psd 170, 177, conc S am 697, enr am 811, enr 838 (Chapter 174)
- HB 233**, relative to the state's tourism policy. (Ham, Graf 4, et al: Resources, Recreation and Development)  
32, K 112
- HB 234**, relative to savings bank investments. (B. Packard, Hills 19, et al: Commerce, Small Business, Consumer Affairs and Economic Development)  
43, psd 137, 176, S conc 641, enr 673 (Chapter 44)
- HB 235**, to establish new state representative districts for the city of Laconia. (Turner, Belk 7, et al: Constitutional and Statutory Revision)  
43, rcmt 127, psd (RC) 391-394, 440, S nonconc 697
- HB 236**, relative to the recovered memory syndrome. (P. Wells, Hills 1, et al: Executive Departments and Administration)  
43, Com 419
- HB 237**, deleting the requirement that habitual offenders be incarcerated and allowing incarceration at the discretion of the court. (Laughlin, Hills 41: Corrections and Criminal Justice)  
**new title:** relative to sentencing for habitual offenders.  
43, rem 190, SO 244, am 250-251, psd 349, S nonconc 697
- HB 238**, relative to the health care transition fund. (Trombly, Merr 4: Finance)  
43, rules suspended 608, K 633
- HB 239-L**, relative to a property tax exemption for real estate used as subsidized rental housing. (Wasson, Straf 10, et al: Municipal and County Government)  
43, K 261-262
- HB 240**, declaring English as the primary language of the state. (Wasson, Straf 10, et al: Executive Departments and Administration)  
43, K 364
- HB 241**, making technical changes in the business taxes. (D. Sytek, Rock 26, et al: Finance)  
43, am 203, psd 245, S conc 675, enr 673 (Chapter 45)
- HB 242**, prohibiting the use of hearsay evidence in disciplinary hearings under the real estate practice act. (E. Smith, Ches 6, et al: Judiciary and Family Law)  
43, K 205
- HB 243-A**, relative to the expansion of veterans' home facilities and making an appropriation therefor. (Fields, Hills 18, et al: Public Works and Highways)  
43, Com 98

- HB 244**, relative to refund anticipation loans and authorizing fees for such loans. (Hunt, Ches 10, et al: Commerce, Small Business, Consumer Affairs and Economic Development) 43, am & Corrections 191-194, psd 363, 439, S nonconc 784
- HB 245**, changing the status of the economic development fund to a nonlapsing fund. (Schotanus, Sull 3, et al: Finance)  
**new title:** changing the lapse date of the economic development fund and relative to an appropriation made in the 1994-1995 operating budget.  
**2nd new title:** changing the status of the economic development fund to a nonlapsing fund and relative to the economic development matching grants program.  
43, am 121-122, psd 132, conc S am 803, enr am 873, enr 878 (Chapter 285)
- HB 246**, requiring life insurance companies to periodically review their archives and notify beneficiaries in the event a policy becomes payable. (Trombly, Merr 4: Commerce, Small Business, Consumer Affairs and Economic Development)  
**new title:** requiring life insurance companies to review their records and notify beneficiaries in the event a policy becomes payable.  
43, am 353-354, psd 439, S nonconc 676
- HB 247-L**, permitting a municipality to apply for a court order to attach an individual's personal assets to satisfy a lien on property for nonpayment of property taxes under extraordinary circumstances. (Senter, Rock 16, et al: Judiciary and Family Law) 43, K 143
- HB 248**, requiring daytime running lights on motor vehicles. (Arnold, Hills 20: Transportation) 43, K 126
- HB 249**, requiring cable operators which offer HBO and Cinemax to provide the HBO/Cinemax guide book in larger type for the visually impaired and to adequately describe movies. (L'Heureux, Hills 18, et al: Science, Technology and Energy) 43, K 148
- HB 250**, relative to access by municipalities to automatic number identification/automatic location identification information in the enhanced 911 data base. (McRae, Hills 7: Science, Technology and Energy) 43, K 148
- HB 251**, relative to checking voter checklists and counting ballots at an election. (Nowe, Rock 3, et al: Constitutional and Statutory Revision) 43, K 137
- HB 252**, requiring health insurers to provide coverage for nonprescription enteral formulas when medically necessary for the treatment of malabsorption. (Nordgren, Graf 10, et al: Commerce, Small Business, Consumer Affairs and Economic Development)  
**new title:** requiring health insurers to provide coverage for nonprescription enteral formulas and food products when medically necessary for the treatment of malabsorption and inherited diseases of amino acids and organic acids.  
43, am 354-356, psd 439, nonconc S am, conf 783, 807, rep adop 863, enr 869 (Chapter 235)
- HB 253-L**, requiring the moderator to designate ballot clerks for certain school district elections. (Stone, Rock 7, et al: Constitutional and Statutory Revision) 44, K 120
- HB 254**, extending the term of the county attorney from 2 to 4 years. (Kennedy, Merr 7, et al: Judiciary and Family Law) 44, Com 367
- HB 255-L**, clarifying the option allowing town meeting, school district meetings, and village district meetings to vote to authorize indefinitely the governing body to apply for, accept, and expend unanticipated moneys. (Ham, Graf 4: Municipal and County Government) 44, K 110
- HB 256**, changing the name of Civil Rights Day to Martin Luther King, Jr. Civil Rights Day. (Splaine, Rock 36, et al: Executive Departments and Administration) 44, K (RC) 419-422

- HB 257**, clarifying the laws relative to the construction of beaches and boathouses under the shoreland protection act. (Dickinson, Carr 2, et al: Resources, Recreation and Development)  
**new title:** relative to the minimum shoreland protection standards.  
 44, am 112-113, psd 118, S conc 641, enr 669 (Chapter 32)
- HB 258**, relative to dangerous barriers on recreational paths located on certain property. (Ham, Graf 4: Resources, Recreation and Development)  
**new title:** relative to recreational trails.  
 44, am 377, psd 440, nonconc S am, conf 739, 782, 807, rep adop 864, enr 869 (Chapter 236)
- HB 259**, providing limited immunity from liability for a professional engineer acting as an emergency management worker. (J. Chandler, Merr 1: Judiciary and Family Law)  
 44, K 259
- HB 260**, relative to the collection of property taxes in the town of Bennington for the 1994-95 tax years. (Amidon, Hills 9, et al: Municipal and County Government)  
 44, K 208
- HB 261**, relative to the granite state cultural legacy award. (M. Fuller Clark, Rock 31, et al: Executive Departments and Administration)  
 44, psd 121, 132, S conc 533, enr 638 (Chapter 21)
- HB 262**, relative to the sale of and authorization to carry mechanical self-opening or spring knives. (Kennedy, Merr 7: Public Protection and Veterans Affairs)  
 44, K 264
- HB 263**, relative to the board of registration in medicine. (D. Sytek, Rock 26; J. Sytek, Rock 26: Executive Departments and Administration)  
**new title:** relative to the board of registration in medicine and making an appropriation for clerical support.  
 44, rules suspended 248, am & Finance 309-313, rem 570, am 604-605, psd 606, conc S am 804, enr am 873-874, enr 878 (Chapter 286)
- HB 264**, relative to the information required for candidates on ballots. (R. Buckley, Hills 44, et al: Constitutional and Statutory Revision)  
 44, K 127
- HB 265**, relative to political contributions for state primary and state general elections. (Buckley, Hills 44, et al: Constitutional and Statutory Revision)  
 44, K 127
- HB 266**, relative to political contributions by individuals and political committees. (Rogers, Merr 22: Constitutional and Statutory Revision)  
 44, K (RC) 394-397
- HB 267-L**, clarifying the extent to which governmental uses of property shall comply with local land use regulations. (L. Foster, Hills 10, et al: Municipal and County Government)  
 44, Com 371
- HB 268**, establishing a committee to study the issue of the elderly and the cost of prescription drugs. (Hilliard, Straf 14, et al: Health, Human Services and Elderly Affairs)  
 44, SO 172, K (RC) 178-180
- HB 269**, relative to the taking of fish and game on posted property. (Rep. Mirski, Graf 12: Wildlife and Marine Resources)  
 44, SO 244, Com 250
- HB 270**, relative to bail agents and recovery agents. (Pepino, Hills 40, et al: Public Protection and Veterans Affairs)  
 44, psd 264, 350, conc S am 697, enr am 874, enr 878 (Chapter 287)
- HB 271**, prohibiting video poker machines. (D. Flanders, Rock 20, et al: Regulated Revenues)  
**new title:** prohibiting electronic video gambling machines.  
 44, am & Corrections 243-244, rem 353, SO 439, psd 519, 528, S nonconc 739

- HB 272**, requiring health insurance companies to provide coverage to insureds, who themselves are required through settlement or court decree to provide coverage, for an ex-spouse with a pre-existing condition residing in New Hampshire. (M. Fuller Clark, Rock 31, et al: Commerce, Small Business, Consumer Affairs and Economic Development)  
44, K 356
- HB 273**, clarifying the effective date of a law requiring municipalities to print expanded tax relief information on property tax bills. (Rogers, Merr 22, et al: Municipal and County Government)  
44, psd 110, 118, S conc 533, enr 570 (Chapter 13)
- HB 274**, establishing a committee to study the feasibility of hauling solid waste by rail. (Connolly, Graf 1: Environment and Agriculture)  
44, am 171, psd 177, S nonconc 534
- HB 275**, encouraging businesses to conduct environmental self-audits. (Teschner, Graf 5, et al: Environment and Agriculture)  
44, Com 413
- HB 276-A**, making an appropriation for the design and construction of a district court facility for Dover, Durham, and Somersworth. (F. Torr, Straf 12, et al: Public Works and Highways)  
44, Com 111
- HB 277**, establishing a committee to study the joint health council and the nurse practitioners act. (Copenhaver, Graf 10, et al: Health, Human Services and Elderly Affairs)  
45, Com 141
- HB 278**, establishing a committee to study group II in the New Hampshire retirement system. (O'Rourke, Hills 39, et al: Executive Departments and Administration)  
45, K 121
- HB 279**, relative to the jurisdiction of the ballot law commission. (Dykstra, Hills 42, et al: Constitutional and Statutory Revision)  
45, Com 397
- HB 280**, establishing a study committee to examine the issue of defining "psychological abuse" as applied by the courts in cases involving children. (I. Pratt, Ches 5, et al: Judiciary and Family Law)  
45, Com 143
- HB 281**, relative to admission requirements for the veterans' home and changing the composition of the board of managers. (Fields, Hills 18, et al: Public Protection and Veterans Affairs)  
45, Com 375
- HB 282**, implementing recommendations of the Centers for Disease Control and Prevention relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes. (Copenhaver, Graf 10, et al: Health, Human Services and Elderly Affairs)  
45, psd (RC) 172-174, 177, S nonconc 697
- HB 283**, relative to the application of state banking laws, relative to loan loss reserves, and repealing provisions regarding guaranty funds for savings banks and building and loan associations. (B. Packard, Hills 19: Commerce, Small Business, Consumer Affairs and Economic Development)  
45, am 137, psd 176, S Com 848
- HB 284**, providing for the election of members to the county convention as a separate county office. (Hall, Hills 20: Municipal and County Government)  
45, K 129-130
- HB 285**, relative to the transportation of septage. (Peyron, Sull 4: Environment and Agriculture)  
45, K 120

- HB 286**, allowing certified mental health counselors and marriage and family therapists to obtain third party payment for services rendered. (Newland, Merr 15, et al: Commerce, Small Business, Consumer Affairs and Economic Development)  
45, K 386
- HB 287-L**, allowing towns and school districts to use the official ballot for any issue before the voters. (MacGillivray, Hills 21: Municipal and County Government)  
45, K 144
- HB 288-L**, eliminating the requirement that solid waste management districts prepare solid waste management plans. (MacGillivray, Hills 21: Environment and Agriculture)  
45, Com 256
- HB 289-L**, allowing the board of selectmen of a town to place nonbinding local advisory questions on the ballot. (MacGillivray, Hills 21: Constitutional and Statutory Revision)  
45, K 137
- HB 290-L**, relative to the appointment of certain local officials. (MacGillivray, Hills 21, et al: Municipal and County Government)  
45, K 110
- HB 291-L**, allowing certain municipal advisory committees to take votes by secret ballot. (MacGillivray, Hills 21: Judiciary and Family Law)  
45, K 105
- HB 292-L**, changing the minimum acreage to qualify for current use from 10 acres to one acre. (MacGillivray, Hills 21: Environment and Agriculture)  
45, Com 228
- HB 293-L**, allowing municipalities to expand the optional adjusted elderly exemption to exempt a percentage of the assessed value of property. (MacGillivray, Hills 21: Municipal and County Government)  
45, K 144
- HB 294-L**, allowing municipalities to expand the optional adjusted elderly exemption to permit renters to qualify for the exemption. (MacGillivray, Hills 21: Municipal and County Government)  
45, K 145
- HB 295**, allowing oil companies to market oil that contains a percentage of recycled oil. (H. Williams, Straf 12, et al: Environment and Agriculture)  
**new title:** relative to the use of recycled oil.  
45, am 413-414, psd 440, conc S am 804, enr 853 (Chapter 192)
- HB 296-FN**, regarding notice provisions for additives applied to fresh produce. (Hall, Hills 20, et al: Environment and Agriculture)  
46, K 289-290
- HB 297**, allowing commercial or industrial businesses located in New Hampshire to obtain special competitive electric rates in certain circumstances. (Peyron, Sull 4, et al: Science, Technology and Energy)  
46, SO 439, Com 506
- HB 298**, relative to the rulemaking authority of the police standards and training council and permitting the council to delegate certain powers and duties to the director of police standards and training. (Dyer, Hills 8, et al: Public Protection and Veterans Affairs)  
46, rem 135, SO 175, rcmt 183, am 264, psd 350, S conc 533, enr am 741-742, enr 811 (Chapter 155)
- HB 299-FN-L**, requiring that SAU budgets be approved by vote at school district meetings. (Hunter, Hills 7, et al: Education)  
46, Com 256
- HB 300**, relative to drinking water violations. (Conroy, Rock 13: Resources, Recreation and Development)  
46, psd 113, 118, S conc 675, enr am 698, enr 742 (Chapter 88)

- HB 301**, prohibiting certain evidence in sexual assault cases. (Snyder, Straf 14, et al: Corrections and Criminal Justice)  
46, rem 135, SO 175, am 181-182, psd 183, (K)
- HB 302-L**, transferring jurisdiction over the town of Troy from the Jaffrey-Peterborough District Court to the Keene District Court. (Burnham, Ches 8, et al: Judiciary and Family Law)  
46, psd 143, 176, S conc 533, enr 570 (Chapter 14)
- HB 303-FN-L**, excluding Merrimack county from motor vehicle emissions testing. (Whittemore, Merr 13, et al: Science, Technology and Energy)  
**new title**: relative to the motor vehicle emissions inspection and maintenance program in Merrimack County.  
46, SO 244, am 249-250, psd 349, S conc 739, enr 778 (Chapter 89)
- HB 304**, authorizing the use of certain electric-powered craft on certain lakes and ponds, except those used as a public water supply. (L'Heureux, Hills 18, et al: Transportation)  
**new title**: authorizing the use of electric motors on certain lakes and ponds.  
46, am 382, psd 440, S nonconc 739
- HB 305-L**, allowing municipalities to adopt an exemption from property taxes regardless of age and to adopt a freeze on property taxes for homeowners over 65. (Splaine, Rock 36, et al: Municipal and County Government)  
46, K 145
- HB 306**, establishing a children, youth, and families council to address the efficient delivery of services to children and families. (McGovern, Rock 35, et al: Judiciary and Family Law)  
46, Com 259
- HB 307**, establishing a study committee to consider a constitutional amendment allowing the adoption of a yield tax on sand, gravel, and similar materials. (Burnham, Ches 8, et al: Finance)  
**new title**: establishing a study committee to consider a constitutional amendment allowing the adoption of a yield tax on sand, gravel, and similar materials; and suspending a provision on taxation of sand, gravel and similar substances for fiscal year 1996.  
**2nd new title**: establishing a study committee to consider a constitutional amendment allowing the adoption of a yield tax on sand, gravel, and similar materials; and suspending a provision on taxation of sand, gravel and similar substances for the tax year ending March 31, 1996.  
46, rem 190, SO 244, am 252, psd 350, conc S am 697, enr 742, appointments 913 (Chapter 90)
- HB 308**, requiring charitable organizations to produce annual reports for public inspection and to develop conflict of interest policies and codes of ethics. (Allen, Hills 1: Judiciary and Family Law)  
46, K 205
- HB 309**, relative to pirated recordings. (Mock, Carr 3, et al: Science, Technology and Energy)  
**new title**: relative to counterfeit recordings.  
46, rules suspended 352, am & Corrections 380, am 571, psd 605, S conc 784, enr 838 (Chapter 175)
- HB 310-FN**, relative to the medical and rehabilitation fee schedule and adding a member to the workers' compensation advisory council. (R. Hawkins, Rock 20, et al: Labor, Industrial and Rehabilitative Services)  
46, psd 123, 132, S conc 533, enr 570, appointments 918 (Chapter 15)
- HB 311**, requiring a certain minimum water flow before certain property may be sold. (Fenton, Hills 24, et al: Resources, Recreation and Development)  
46, K 213
- HB 312-FN-A-L**, eliminating the advisory council on literacy and dropout prevention, establishing a committee to study literacy issues, and funding state literacy programs and making an appropriation therefor. (Hutchinson, Rock 29, et al: Education)

**new title:** eliminating the advisory council on literacy and dropout prevention and establishing a committee to study literacy issues, and funding state literacy programs.

**2nd new title:** eliminating the advisory council on literacy and dropout prevention and establishing a committee to study literacy issues.

47, am 202, psd 245, nonconc S am, conf 697-698, 782, 807, rep adop 859, enr am 874, enr 878, appointments 916 (Chapter 288)

**HB 313-FN**, relative to a defendant's repayment of counsel expenses that have been paid by the state. (Lozeau, Hills 30: Corrections and Criminal Justice)

47, am 195-196, psd 245, S conc 675, enr am 698-699, enr 811 (Chapter 156)

**HB 314-FN**, relative to wolf hybrids. (McGuirk, Ches 1, et al: Wildlife and Marine Resources)

47, am 385-386, psd 440, S conc 739, enr 778 (Chapter 91)

**HB 315-FN**, relative to the low and moderate income housing loan program. (D. Sytek, Rock 26, et al: Commerce, Small Business, Consumer Affairs and Economic Development)

47, psd 150-151, 177, S conc 534, enr 638 (Chapter 22)

**HB 316-FN**, relative to probation and parole officers. (Knowles, Straf 11: Corrections and Criminal Justice)

47, am 196-197, psd 245, nonconc S am, conf 698, 782, rep adop 864, enr 869 (Chapter 237)

**HB 317-FN**, relative to disqualification for unemployment compensation benefits due to self-employment. (Turner, Belk 7, et al: Labor, Industrial and Rehabilitative Services)

**new title:** relative to disqualification for unemployment compensation benefits due to self-employment, adding legislative members to the advisory council on unemployment compensation, and establishing a committee to study certain unemployment compensation issues.

47, psd 123, 132, nonconc S am, conf 740, 782, 807, 842, rep adop 864, enr 869, appointments 913, 918 (Chapter 275)

**HB 318-FN-L**, relative to the disposition of revenue received by the bureau of common carriers, department of safety. (Senter, Rock 16, et al: Finance)

47, K (RC) 229-231

**HB 319-FN**, relative to standards for granting a retrial in a criminal or civil case. (V. Clark, Rock 17: Judiciary and Family Law)

47, K 205

**HB 320-FN**, establishing a recall procedure for those legislators found in violation in ethics rules by the legislative ethics committee and reconstituting the legislative ethics committee. (Hemon, Straf 11, et al: Legislative Administration)

47, rem 353, SO 439, K 519

**HB 321-FN-L**, relative to the compensation paid to election officers at city, town, and state elections. (Laughlin, Hills 41, et al: Municipal and County Government)

47, K 123

**HB 322-FN**, prohibiting the executive director from imposing additional fees for certain fishing licenses. (Laughlin, Hills 41: Wildlife and Marine Resources)

47, K 217

**HB 323-FN**, authorizing a New Hampshire Pearl Harbor survivor special number plate. (E. Dodge, Hills 18, et al: Transportation)

47, am 130-131, psd 132, S conc 675, enr 673 (Chapter 46)

**HB 324-FN**, relative to taking or harvesting clams and relative to clam license fees. (B. Moore, Rock 21: Wildlife and Marine Resources)

47, rules suspended 248, am & Finance 270-271, psd 540, 568, conc S am 804, enr am 868, enr 869 (Chapter 238)

**HB 325-FN**, relative to the bonding authority of the business finance authority. (Burnham, Ches 8, et al: Commerce, Small Business, Consumer Affairs and Economic Development)

47, psd 126-127, 132, S nonconc 784



- HB 326-FN-L**, requiring that all governmental business be conducted in English. (Arnold, Hills 20: Executive Departments and Administration)  
47, am (RC) 422-426, psd 440, conc S am 740, recon rej (RC) 795-797, enr 811 (Chapter 157)
- HB 327-FN**, transferring certain Hampton Falls property. (Christie, Rock 22: Finance)  
47, K 122
- HB 328-FN**, relative to the construction, reconstruction, or repair of boathouses which could be used as dwellings. (Dickinson, Carr 2, et al: Resources, Recreation and Development)  
**new title:** relative to reconstruction, or repair of boathouses which are suitable for use as dwellings.  
47, am 377-378, psd 440, S K 911
- HB 329-FN-L**, relative to offsetting local districts' costs for special education. (Franks, Hills 26, et al: Regulated Revenues)  
47, K 212
- HB 330**, to establish the ethics governing board. (Hemon, Straf 11, et al: Executive Departments and Administration)  
48, K 426, recon rej 528
- HB 331-L**, relative to elderly property tax exemptions for persons with no social security income. (Kirby, Hills 24, et al: Municipal and County Government)  
48, SO 175, Com 181
- HB 332-FN-A**, providing for certain services for the developmentally disabled and making an appropriation therefor. (Burnham, Ches 8, et al: Health, Human Services and Elderly Affairs)  
48, Finance 234, am 592-593, psd 606, nonconc S am, conf 804, 840, rep adop 864, enr 869, veto sustained (RC) 888-891, recon & veto sustained (RC) 904-906
- HB 333**, relative to election procedures. (Flanagan, Rock 14: Constitutional and Statutory Revision)  
48, rem 352, SO 439, am 516-517, psd 528, nonconc S am, conf 838, 840, rep adop 860, enr am 874, enr 878 (Chapter 289)
- HB 334-FN-L**, relative to the powers and duties of a municipality relating to trust funds and school district taxes, relative to qualification of beneficial interest trust owners for certain tax exemptions, and relative to public meetings of the current use board. (Noyes, Rock 26, et al: Municipal and County Government)  
48, psd 123, 132, conc S am 698, enr 786 (Chapter 137)
- HB 335**, relative to marking a straight ticket ballot. (Jacobson, Merr 2: Constitutional and Statutory Revision)  
48, K 120
- HB 336**, prohibiting the holding of a lottery to encourage people to vote, or not to vote. (Jacobson, Merr 2: Constitutional and Statutory Revision)  
48, K 170
- HB 337**, to expand the definition of "political committee" for reporting purposes. (Jacobson, Merr 2: Constitutional and Statutory Revision)  
48, K 195
- HB 338-FN-L**, eliminating school administrative units by July 1, 1996, authorizing local school districts to assume SAU responsibilities after that date, and authorizing the office of legislative services to draft the proposed legislation necessary to implement these provisions. (Jacobson, Merr 2: Education)  
48, K (RC) 225-227
- HB 339**, relative to death with dignity for certain persons suffering from a terminal condition. (Guest, Graf 10, et al: Judiciary and Family Law)  
48, SO 439, Com (RC) 446-449

- HB 340-L**, relative to electing certain county officers to 4-year rather than 2-year terms. (Rice, Belk 7, et al: Municipal and County Government)  
48, rem 135, SO 175, rcmt 183, SO 439, IP 467-470, recon rej 528
- HB 341**, changing the procedure for the release of a security interest in a motor vehicle. (Fesh, Rock 13, et al: Transportation)  
**new title:** changing the procedure for the release of a security interest in a motor vehicle and establishing a committee to assess the feasibility of a paperless title system for motor vehicles.  
48, am 383-384, psd 440, nonconc S am, conf 740, 840, rep adop 859, enr 869, appointments 913 (Chapter 239)
- HB 342**, relative to the use of moorings and clarifying related definitions. (M. Whalley, Merr 5, et al: Resources, Recreation and Development)  
48, am 213-214, psd 245, nonconc S am, conf 804, 840, rep adop 865, enr 869 (Chapter 240)
- HB 343**, relative to reporting receipts and expenditures by candidates. (Keans, Straf 16, et al: Constitutional and Statutory Revision)  
48, K 360
- HB 344**, relative to the New Hampshire automated information system board. (D. Welch, Rock 18, et al: Science, Technology and Energy)  
48, am 215-216, psd 245, S conc 641, enr 669, appointments 917 (Chapter 33)
- HB 345-L**, allowing municipalities to vote to request payments in lieu of taxes from charitable organizations. (Cepaitis, Hills 33, et al: Municipal and County Government)  
48, SO 439, Com 470
- HB 346**, requiring the Merrimack county commissioners to be elected on a rotating basis. (Little, Merr 24, et al: Municipal and County Government)  
48, psd 145, 177, S conc 675, enr 673 (Chapter 47)
- HB 347**, relative to threatening a lawsuit. (Jacobson, Merr 2: Judiciary and Family Law)  
48, K 367
- HB 348**, allowing the placement of campaign signs along highway rights-of-way and imposing civil penalties for election law violations. (Jacobson, Merr 2: Public Works and Highways)  
48, Com 130
- HB 349-L**, requiring an annual cost of living adjustment for elderly exemptions to the property tax. (Herman, Hills 13, et al: Municipal and County Government)  
48, K 145
- HB 350**, establishing a recycling market development steering committee. (A. Merrill, Straf 8, et al: Environment and Agriculture)  
48, am 414, psd 440, S conc 696, enr am 785, enr 801, appointments 916 (Chapter 151)
- HB 351**, establishing an environmental research advisory committee. (A. Merrill, Straf 8, et al: Environment and Agriculture)  
48, psd 229, 245, S conc 534, enr am 673-674, enr 742, appointments 917 (Chapter 123)
- HB 352**, relative to the New Hampshire/Vermont solid waste compact. (Trelfa, Graf 2, et al: Environment and Agriculture)  
48, Com 121
- HB 353**, relative to state licensed or certified real estate appraisers. (Dowling, Rock 13, et al: Executive Departments and Administration)  
49, Com 364
- HB 354**, expanding the definition of motor vehicle under the new motor vehicle arbitration laws to include motor homes. (Emerton, Hills 7, et al: Commerce, Small Business, Consumer Affairs and Economic Development)  
49, K 194
- HB 355-L**, relative to solid waste districts. (Burnham, Ches 8, et al: Environment and Agriculture)  
49, Com 256

- HB 356**, requiring vehicle light use during any period windshield wipers are in operation during inclement weather. (Avery, Ches 8, et al: Transportation)  
49, SO 439, K 515
- HB 357**, relative to mental health practice. (MacKay, Merr 17, et al: Health, Human Services and Elderly Affairs)  
49, Com 204
- HB 358**, relative to surplus campaign contributions and reporting by political committees. (Flanagan, Rock 14: Constitutional and Statutory Revision)  
**new title:** relative to surplus campaign contributions and reporting by political committees, and relative to increasing political expenditure limitations for candidates for the office of governor.  
49, am 397, psd 440, conc S am 847, enr 869 (Chapter 276)
- HB 359**, relative to the form of the primary and general election ballots. (Flanagan, Rock 14: Constitutional and Statutory Revision)  
49, rem 353, SO 439, psd 517, 528, S nonconc 697
- HB 360**, relative to absentee voting. (Emerton, Hills 7, et al: Constitutional and Statutory Revision)  
49, am 360, psd 439, conc S am 645, enr 673 (Chapter 48)
- HB 361**, relative to the board of manufactured housing. (Lozeau, Hills 30, et al: Commerce, Small Business, Consumer Affairs and Economic Development)  
49, am 253-254, psd 350, S nonconc 739
- HB 362**, relative to the authority to make arrests in fresh pursuit. (R. Wheeler, Hills 7: Public Protection and Veterans Affairs)  
49, am 264-265, psd 350, S nonconc 739, conc S am 804, enr 853 (Chapter 193)
- HB 363**, regulating the construction, placement, and removal of swim floats. (Rice, Belk 7, et al: Resources, Recreation and Development)  
**new title:** relative to Murphy Dam on Lake Francis in the town of Pittsburg.  
49, SO 439, am & Com 475-476
- HB 364**, relative to parking privileges for persons with walking disabilities. (Vaughn, Rock 35, et al: Health, Human Services and Elderly Affairs)  
49, am 141-142, psd 176, S conc 534, enr 570 (Chapter 16)
- HB 365**, relative to information on credit reports regarding paid property tax liens. (Hunter, Hills 7, et al: Commerce, Small Business, Consumer Affairs and Economic Development)  
49, K 271-272
- HB 366-L**, relative to hazardous waste on private property. (Senter, Rock 16: Judiciary and Family Law)  
49, K 143
- HB 367**, to promote the use of the metric system in certain public and private entities. (Rosen, Belk 7, et al: Science, Technology and Energy)  
49, am 339, psd 350, S nonconc 676
- HB 368-L**, granting municipalities the option to change the interest rate on delinquent property taxes and subsequent property taxes. (Kirby, Hills 24, et al: Municipal and County Government)  
**new title:** granting municipalities the option to change the interest rate on delinquent property taxes, property redemptions, subsequent property taxes, and certain other delinquent local taxes.  
49, rcmt 130, rem 353, SO 439, am 519-523, psd 528, S nonconc 676
- HB 369-A**, relative to capital improvements at the Mount Sunapee and Cannon Mountain ski areas and making an appropriation therefor. (Behrens, Sull 2, et al: Public Works and Highways)  
**new title:** establishing a committee to study the feasibility of leasing the Mount Sunapee and Cannon Mountain ski areas.  
49, am 331-332, psd 350, nonconc S am, conf 674, 738, rep adop 846, enr 869, appointments 913 (Chapter 241)

- HB 370**, extending the reporting date for the study requested of the Dartmouth Medical School concerning services for older adults under 1993, 358:5. (Amidon, Hills 9, et al: Health, Human Services and Elderly Affairs)  
**new title:** relative to the committee overseeing the study requested of the Dartmouth Medical School established in 1993, 358:5.  
 50, psd 142, 176, conc S am 674-675, enr 742, appointments 913 (Chapter 92)
- HB 371**, relative to trapping muskrat and relative to the dens and burrows of game animals or fur-bearing animals. (McGuirk, Ches 1: Wildlife and Marine Resources)  
 50, K 217
- HB 372**, establishing a committee to study the feasibility of reconstructing portions of New Hampshire route 33 in the town of Greenland. (Richards, Rock 23: Public Works and Highways)  
 50, K 111
- HB 373**, relative to veterans' home trust fund revenues and expenditures. (C. Brown, Graf 14: Finance)  
**new title:** relative to trust fund disbursements by state agencies and departments.  
 50, am 122, psd 132, S conc 784, enr 811 (Chapter 158)
- HB 374**, relative to the information required for nomination papers to place a candidate on the ballot. (Lovett, Graf 6: Constitutional and Statutory Revision)  
 50, K 361
- HB 375**, relative to the interest rate on judgments. (Mercer, Hills 27, et al: Commerce, Small Business, Consumer Affairs and Economic Development)  
 50, am 137, psd 176, nonconc S am, conf 804, 840, rep adop 863, enr 869 (Chapter 242)
- HB 376**, making it illegal to knowingly maintain or control any premises where persons under the age of 21 consume alcohol. (Dolan, Rock 12, et al: Corrections and Criminal Justice)  
**new title:** making it illegal to knowingly control any premises or propelled vehicle where persons under the age of 21 consume alcohol.  
 50, am 197, psd 245, S nonconc 739
- HB 377**, establishing a committee to review the feasibility of funding certain operations at Mittersill ski area. (Hess, Merr 11: Resources, Recreation and Development)  
 50, Com 378
- HB 378-FN-L**, requiring that criminal history record inquiries for teachers shall include all 50 states. (Ham, Graf 4: Education)  
 50, Com 227
- HB 379**, relative to zoning height limitations on amateur radio towers. (Rosen, Belk 7, et al: Science, Technology and Energy)  
 50, am 268, psd 350, S conc 675, enr am 811, enr 838 (Chapter 176)
- HB 380**, to legalize the substitution of metric equivalents for any English system value expressed in state motor vehicle laws. (Rosen, Belk 7, et al: Science, Technology and Energy)  
 50, rcmt 243, SO 439, Com 506
- HB 381**, relative to the definition of crosswalk. (Keans, Straf 16, et al: Transportation)  
 50, psd 131, 132, S conc 534, enr 638 (Chapter 23)
- HB 382**, relative to the operation of the incinerator by the Lamprey regional solid waste cooperative at the University of New Hampshire in the town of Durham. (Wasson, Straf 10, et al: Environment and Agriculture)  
 50, K 414
- HB 383**, relative to signs displayed by liquor licensees and access for patrons to areas of full service restaurants with liquor licenses. (S. Packard, Rock 29, et al: Regulated Revenues)  
 50, K 130
- HB 384**, establishing a committee to determine the feasibility of constructing a rest area on New Hampshire route 16 in the town of Wakefield. (J. Bradley, Carr 8, et al: Public Works and Highways)  
 50, K 111

- HB 385**, relative to the adjustment and focus of automobile and truck headlights. (LaMott, Graf 5: Transportation)  
50, K 384
- HB 386**, consolidating state veterans' programs into a department of veterans affairs. (Fenton, Hills 24, et al: Public Protection and Veterans Affairs)  
50, Com 330
- HB 387**, relative to the rulemaking authority of commissioners of state departments. (Mercer, Hills 27: Executive Departments and Administration)  
**new title**: relative to the rulemaking authority of commissioners of state departments, relative to certificates of competency for explosives, and relative to the definition of employee leasing company.  
50, am 364-366, psd 439, conc S am 847, enr 869 (Chapter 226)
- HB 388**, rescinding the administrative rule which requires a licensee to disclose a material defect to a prospective buyer, and repealing a provision which requires disclosure by a seller to a buyer of real estate. (E. Smith, Ches 6: Commerce, Small Business, Consumer Affairs and Economic Development)  
51, Com 254
- HB 389**, relative to liability of directors and officers of nonprofit organizations. (Senter, Rock 16, et al: Judiciary and Family Law)  
**new title**: defining compensation for the purposes of determining immunity from liability for directors and officers of nonprofit organizations.  
**2nd new title**: relative to liability of directors and officers of nonprofit organizations and to state liability for volunteers.  
**3rd new title**: relative to liability of directors and officers of nonprofit organizations.  
51, am 205-206, psd 245, nonconc S am, conf 675, 739, 802, rep adop 860, enr am 874-875, enr 878 (Chapter 290)
- HB 390**, relative to the grandfathering of subdivisions and separate lots. (Laurent, Ches 2, et al: Municipal and County Government)  
51, SO 439, am 470, psd 528, nonconc S am, conf 804, 840, rep adop 863, enr am 875, enr 878 (Chapter 291)
- HB 391**, increasing the penalty for a person convicted of being an armed career criminal. (Pepino, Hills 40: Public Protection and Veterans Affairs)  
51, Com 375
- HB 392**, requiring a financial institution to allow an applicant for a mortgage loan to select an appraisal firm from a list of firms supplied by the institution. (S. Packard, Rock 29: Commerce, Small Business, Consumer Affairs, and Economic Development)  
51, Com 254
- HB 393-L**, relative to the approval by the division of water supply and pollution control of plans for sewage disposal systems. (Weyler, Rock 18: Resources, Recreation and Development)  
51, am 378-379, psd 440, S conc 696, enr 742 (Chapter 93)
- HB 394-L**, relative to review of developments of regional impact. (Weyler, Rock 18: Municipal and County Government)  
51, K 262
- HB 395**, relative to the jurisdiction of the zoning board of adjustment, the appeal of land use decisions, and the exhaustion of administrative remedies. (Weyler, Rock 18: Municipal and County Government)  
**new title**: relative to the jurisdiction of the zoning board of adjustment and the appeal of land use decisions.  
51, psd 371, 440, nonconc S am, conf 740, 782, 807, rep adop 863, enr 869 (Chapter 243)
- HB 396**, requiring voters to bring identification showing their current domicile to the polls. (Pelletier, Straf 12, et al: Constitutional and Statutory Revision)  
51, K 361

- HB 397**, relative to hospital billing. (Lozeau, Hills 30: Health, Human Services and Elderly Affairs)  
51, K 142
- HB 398-L**, relative to the membership and certain duties of heritage commissions, historic district commissions, and conservation commissions. (M. Fuller Clark, Rock 31, et al: Municipal and County Government)  
51, am 371-373, psd 440, conc S am 740, enr 786 (Chapter 138)
- HB 399**, extending the term of the county sheriff from 2 to 4 years. (Kennedy, Merr 7, et al: Municipal and County Government)  
51, K 145
- HB 400**, allowing liquor licenses to be issued to limited liability companies. (Avery, Ches 8, et al: Regulated Revenues)  
51, psd 146, 177, S conc 739, enr 739 (Chapter 139)
- HB 401**, establishing a committee to study payments in lieu of taxes for university system properties which function as businesses open to the public. (A. Merrill, Straf 8, et al: Municipal and County Government)  
**new title:** establishing a committee to study payments in lieu of taxes for university system properties and certain state government operations which function as businesses open to the public.  
**2nd new title:** establishing a committee to study payments in lieu of taxes for university system properties and certain state government operations which function as businesses open to the public and establishing a university system study committee.  
51, am 373-374, psd 440, nonconc S am, conf 740, 782, rep adop 865, enr am 875, enr 878, appointments 914, 916 (Chapter 292)
- HB 402**, establishing a committee to study the regulation of electric utilities. (A. Merrill, Straf 8, et al: Science, Technology and Energy)  
**new title:** establishing a committee to study issues related to retail wheeling and electric utility industry restructuring.  
51, SO 439, am 506-508, psd 528, S nonconc 848
- HB 403-L**, relative to the authority of water commissioners. (St. Hilaire, Coos 7: Municipal and County Government)  
51, K 262
- HB 404**, requiring certain investigations by the commissioner of labor to be confidential. (R. Hawkins, Rock 20: Labor, Industrial and Rehabilitative Services)  
**new title:** requiring certain employee interviews by the commissioner of labor to be confidential.  
**2nd new title:** permitting certain employee interviews by the commissioner of labor to be disclosed to public officials if necessary.  
51, SO 439, am 451-452, psd 528, conc S am 740, enr 786 (Chapter 140)
- HB 405**, relative to the minimum wage law. (R. Hawkins, Rock 20: Labor, Industrial and Rehabilitative Services)  
51, SO 439, am (RC) 452-458, psd 528, S conc 675, enr 742 (Chapter 94)
- HB 406**, relative to community service under workers' compensation. (R. Hawkins, Rock 20: Labor, Industrial and Rehabilitative Services)  
52, am 368-369, psd 439, S conc 675, enr 673 (Chapter 49)
- HB 407**, relative to the education requirements for certified public accountants. (R. Wheeler, Hills 7: Executive Departments and Administration)  
52, K 426
- HB 408-L**, relative to public employees' terms and conditions of employment. (Baroody, Hills 42, et al: Labor, Industrial and Rehabilitative Services)  
52, K 206
- HB 409**, relative to absentee voter registration. (M. Fuller Clark, Rock 31, et al: Constitutional and Statutory Revision)  
52, am 361-362, psd 439, S conc 675, enr 778 (Chapter 124)

- HB 410**, limiting the season for bear baiting. (Pfaff, Merr 11: Wildlife and Marine Resources)  
**new title**: relative to the baiting season and the bear dog training season.  
52, am 348, psd 351, S conc 675, enr 699 (Chapter 59)
- HB 411**, establishing a committee to review the public benefit requirement in the solid waste statutes. (Burnham, Ches 8, et al: Environment and Agriculture)  
52, K 171
- HB 412**, relative to licensing standards for sales finance companies and retail sellers. (Lindblade, Sull 7: Commerce, Small Business, Consumer Affairs and Economic Development)  
52, psd 254, 350, S conc 784, enr 811 (Chapter 159)
- HB 413**, limiting the civil liability of persons engaged in equine activities. (Mirski, Graf 12, et al: Judiciary and Family Law)  
52, K 238
- HB 414-FN-L**, repealing a requirement that a municipality pay certain abatement-related expenses of the board of tax and land appeals following a reappraisal in that municipality by a commercial firm. (L. Foster, Hills 10, et al: Municipal and County Government)  
**new title**: repealing a requirement that a municipality pay certain abatement-related expenses of the board of tax and land appeals following a reappraisal in that municipality by a commercial firm, and giving the board jurisdiction to review the necessity of a taking under RSA 498-A.  
52, am 262-263, psd 350, conc S am 804, enr 853 (Chapter 194)
- HB 415-L**, enabling municipalities, with the approval of the executive director of fish and game, to restrict hunting in the municipality. (Christie, Rock 22: Wildlife and Marine Resources)  
52, K 217-218
- HB 416**, relative to aggravated felonious sexual assault. (Christie, Rock 22, et al: Corrections and Criminal Justice)  
52, rem 190, rcmt rej & am 242-243, psd 245, S conc 675, enr 699 (Chapter 66)
- HB 417**, relative to investments by town trustees. (D. Soucy, Hills 42, et al: Municipal and County Government)  
52, SO 439, am 470-471, psd 528, S Com 784
- HB 418**, permitting a law enforcement officer to video and audio record certain communications after providing notification. (Lozeau, Hills 30: Corrections and Criminal Justice)  
52, am 405, psd 440, S conc 847, enr 860 (Chapter 195)
- HB 419**, relative to certain copyright licenses. (Lozeau, Hills 30, et al: Commerce, Small Business, Consumer Affairs and Economic Development)  
52, Com 194
- HB 420**, relative to habitability in manufactured housing parks. (Lozeau, Hills 30: Commerce, Small Business, Consumer Affairs and Economic Development)  
52, Com 356-357
- HB 421**, establishing a joint committee to examine the best way to ensure an efficient system of criminal prosecution at the district and superior court level. (Lozeau, Hills 30, et al: Corrections and Criminal Justice)  
52, rem 135, SO 175, psd 182, 183, S conc 675, enr 699, appointments 914 (Chapter 79)
- HB 422-L**, requiring that a vote taken on reconsideration at a town or school district meeting shall fail unless the subsequent vote passes by a greater number of total votes than the original vote on the issue. (Henderson, Rock 20: Municipal and County Government)  
52, K 263
- HB 423**, restricting late payment fees on consumer installment credit payments. (Jacobson, Merr 2: Commerce, Small Business, Consumer Affairs and Economic Development)  
52, K 272
- HB 424**, requiring legislative approval for the naming of state-owned buildings and of certain formations, and relative to the naming of Northwood Meadows State Park. (R. Johnson, Rock 1, et al: Public Works and Highways)

**new title:** relative to the naming of real estate acquired by the state and relative to the naming of Northwood Meadows State Park.

52, am 210-211, psd 245, S conc 675, enr 699 (Chapter 60)

**HB 425**, adding an exception for certain events to the hawkers and peddlers law and the itinerant vendors law. (D. Lawton, Belk 1, et al: Commerce, Small Business, Consumer Affairs and Economic Development)

**new title:** relative to hawkers and peddlers.

53, am 357, psd 439, conc S am 698, enr 742 (Chapter 95)

**HB 426**, increasing the penalties for felonious use of a firearm. (Pepino, Hills 40: Public Protection and Veterans Affairs)

**new title:** allowing an extended term of imprisonment for offenses committed with a firearm.

53, rules suspended 248, Corrections 330, am 537, psd 568, S K 911

**HB 427-FN**, increasing bail commissioners' fees and relative to educational requirements for bail commissioners. (Hunter, Hills 7, et al: Judiciary and Family Law)

53, psd 238, 245, S conc 641, enr 699 (Chapter 61)

**HB 428**, relative to boat docking facilities. (Hunter, Hills 7, et al: Resources, Recreation and Development)

53, SO 439, am 476-477, psd 528, S nonconc 697

**HB 429**, relative to the election of the members of the board of cemetery trustees in town meeting towns. (Mirski, Graf 12, et al: Municipal and County Government)

**new title:** relative to the election of the members of the board of cemetery trustees, and relative to the powers and duties of cemetery trustees.

53, am 209, psd 245, S conc 675, enr 699 (Chapter 62)

**HB 430**, relative to branch banking and bank holding company affiliates. (Lindblade, Sull 7: Commerce, Small Business, Consumer Affairs and Economic Development)

53, psd 194, 244, S conc 675, enr 699 (Chapter 67)

**HB 431**, relative to the bank commissioner's supervision of New Hampshire bank holding companies and out-of-state bank holding companies doing business in New Hampshire. (B. Packard, Hills 19: Commerce, Small Business, Consumer Affairs and Economic Development)

53, am 386, psd 440, nonconc S am, conf 804, S rej conf 848, IP 911

**HB 432**, relative to retail sellers of motor vehicles and sales finance companies which execute retail installment contracts for purchases of motor vehicles and relative to certain fees. (B. Packard, Hills 19: Commerce, Small Business, Consumer Affairs and Economic Development)

53, am 254-255, psd 350, S conc 641, enr 699 (Chapter 63)

**HB 433**, relative to second mortgage loan licensees and repealing an exemption for insurance companies from the laws regulating small lenders. (B. Packard, Hills 19: Commerce, Small Business, Consumer Affairs and Economic Development)

53, am 194-195, psd 245, S nonconc 784

**HB 434**, prohibiting advance collection of interest on open-end consumer credit transactions. (Hunt, Ches 10: Commerce, Small Business, Consumer Affairs and Economic Development)

**new title:** prohibiting advance collection of interest on open-end consumer credit transactions and redefining certain loans.

53, am 357-359, psd 439, S nonconc 785

**HB 435**, relative to first mortgage bankers and brokers. (Hunt, Ches 10: Commerce, Small Business, Consumer Affairs and Economic Development)

53, am 359, psd 439, S conc 784, enr am 868, enr 869 (Chapter 244)

**HB 436**, relative to ethics guidelines for lobbyists. (Shaw, Merr 12: Legislative Administration)

**new title:** relative to the duties of the legislative ethics committee.

53, SO 439, am & IP rej 466-467, psd 528, conc S am 804, enr 853 (Chapter 196)



- HB 437**, relative to competitive bidding in Rockingham county. (D. Sytek, Rock 26, et al: Municipal and County Government)  
53, psd 209, 245, conc S am 740, enr 786 (Chapter 141)
- HB 438**, establishing a committee to study early voting in New Hampshire. (Mittelman, Hills 37, et al: Constitutional and Statutory Revision)  
53, psd 362, 439, conc S am 675, enr 742, appointments 914 (Chapter 125)
- HB 439**, relative to a patient's rights concerning billing for medical procedures. (B. Packard, Hills 19, et al: Health, Human Services and Elderly Affairs)  
53, K 142
- HB 440**, relative to enabling legislation for same day voter registration at city and town elections. (Holden, Hills 14, et al: Constitutional and Statutory Revision)  
**new title**: relative to same day voter registration at city, town, school district, and village district elections.  
53, am 362-363, psd 439, S conc 739, enr 850 (Chapter 187)
- HB 441**, relative to the headway speed in tidal and non-tidal waters. (Syracusa, Rock 33, et al: Transportation)  
**new title**: relative to the headway speed in tidal and non-tidal waters, clarifying the definition of a commercial boat and creating the position of chief harbor master.  
53, psd 150, 177, nonconc S am, conf 805, 840, 842, rep adop 863, enr 869 (Chapter 273)
- HB 442**, establishing temporary rates equal to the statutory rates for the telecommunications tax, the meals and rooms tax, and the real estate transfer tax. (DePecol. Ches 14: Finance)  
**new title**: extending the temporary rates for the meals and rooms tax, telecommunications tax and real estate transfer tax through the biennium ending June 30, 1997.  
53, am (3 RCs) 427-435, psd 440, S conc 676, enr 742 (Chapter 96)
- HB 443-FN**, making technical changes in liquor laws. (R. Kelley, Hills 18: Regulated Revenues)  
53, am 212, psd 245, S conc 641, enr 669 (Chapter 34)
- HB 444**, relative to disposal of dead fetuses. (Goddard, Rock 33, et al: Judiciary and Family Law)  
53, K (RC)238-240
- HB 445**, authorizing the director of state police to offer an optional photo or imaged handgun license and setting the license fee. (Dickinson, Carr 2, et al: Public Protection and Veterans Affairs)  
53, Com 330
- HB 446**, relative to mental health care benefits within the HMO networks. (Loder, Straf 8, et al: Commerce, Small Business, Consumer Affairs and Economic Development)  
54, am 387, psd 440, nonconc S am, conf 783, 840, rep adop 864, enr 869 (Chapter 245)
- HB 447**, establishing a committee to review certain aspects of the OHRV laws. (Pfaff, Merr 11, et al: Transportation)  
54, Com 270
- HB 448**, prohibiting the use or ingestion of alcohol by persons under the age of 21 years. (Dolan, Rock 12, et al: Corrections and Criminal Justice)  
54, Com 255
- HB 449**, establishing a study committee to examine and recommend a process for certifying persons who perform tax assessments and property appraisals for municipalities. (Noyes, Rock 26, et al: Municipal and County Government)  
**new title**: establishing a study committee to examine and recommend a process for certifying persons who perform tax assessments and property appraisals for municipalities; and relative to the experience requirement for certified public accountants.  
54, am 263, psd 350, conc S am 805, enr 853, appointments 914 (Chapter 197)
- HB 450**, relative to the confidentiality of wills. (Wasson, Straf 10: Judiciary and Family Law)  
54, K 206

- HB 451-FN-L**, relative to financial responsibility for certain welfare recipients. (Jacobson, Merr 2: Municipal and County Government)  
54, K 209
- HB 452**, establishing a study committee to examine the issue of tuition waivers for certain students within the university system of New Hampshire. (Wasson, Straf 10, et al: Education)  
54, K 364
- HB 453**, relative to administration of medications by residential care facility and supported residential care facility staff members. (L. Foster, Hills 10, et al: Health, Human Services and Elderly Affairs)  
54, am 204-205, psd 245, S nonconc 676
- HB 454**, relative to the membership and regulatory authority of the state board of auctioneers. (McRae, Hills 7, et al: Executive Departments and Administration)  
**new title:** relative to the membership of the state board of auctioneers.  
54, am 366, psd 439, S nonconc 697
- HB 455**, relative to marking a straight ticket ballot. (Malcolm, Rock 22, et al: Constitutional and Statutory Revision)  
54, psd 363, 439, S conc 739, enr 742 (Chapter 97)
- HB 456**, requiring governor and council approval for certain lease or concession contracts on state forests and reservations. (Peyron, Sull 4, et al: Resources, Recreation and Development)  
54, psd 146, 177, conc S am 570, enr 669 (Chapter 35)
- HB 457**, relative to access to public waters through public lands for the purpose of sport fishing. (L. Jean, Hills 17, et al: Resources, Recreation and Development)  
54, Com 146
- HB 458-L**, relative to the discontinuance of town roads. (Noyes, Rock 26, et al: Public Works and Highways)  
54, K 123-124
- HB 459-FN**, relative to service of civil process by private citizens. (Lozeau, Hills 30: Judiciary and Family Law)  
54, K 143
- HB 460**, establishing a procedure to be used in the absence of a living will if the wishes of the terminally ill or permanently unconscious patient were known to other persons. (Copenhaver, Graf 10, et al: Judiciary and Family Law)  
54, K 367
- HB 461-L**, relative to requirements for manual and computer assisted property tax revaluations. (H. Williams, Straf 12, et al: Municipal and County Government)  
54, K 374
- HB 462**, establishing a committee to study means of municipal revenue raising in lieu of the property tax. (Mirski, Graf 12, et al: Municipal and County Government)  
54, K 263
- HB 463**, relative to the DWI levels for juveniles. (Christie, Rock 22, et al: Corrections and Criminal Justice)  
**new title:** relative to the DWI levels for persons under the age of 21.  
54, am 127-129, psd 132, S conc 696, enr 699 (Chapter 64)
- HB 464**, requiring insurance companies to give discounts to drivers over 55 years of age who complete an approved driver safety course. (W. McCarty, Hills 38, et al: Commerce, Small Business, Consumer Affairs and Economic Development)  
54, K 272
- HB 465**, prohibiting a person who is a witness to an event or occurrence which such person knows or reasonably should know is a crime from accepting consideration for providing information regarding the event or occurrence. (Fesh, Rock 13, et al: Judiciary and Family Law)  
54, K 143

- HB 466**, relative to the definition of plastic holding devices. (Felch, Rock 21: Environment and Agriculture)  
54, K 414
- HB 467**, allowing registered nurses employed by licensed home health care agencies to possess and administer certain noncontrolled prescription drugs under certain conditions. (D Sytek, Rock 26, et al: Health, Human Services and Elderly Affairs)  
55, psd 142, 176, S conc 676, enr 699 (Chapter 65)
- HB 468**, relative to mutual savings banks. (Krueger, Sull 9: Commerce, Small Business, Consumer Affairs and Economic Development)  
55, am 387-388, psd 440, nonconc S am, conf 805, 840, rep adop 864, enr am 878, enr 878 (Chapter 293)
- HB 469-FN**, relative to a civil filing fee surcharge to fund civil legal assistance to low-income persons. (Hawkins, Rock 20, et al: Judiciary and Family Law)  
55, Com 259
- HB 470-FN**, relative to change of school assignment for students subjected to harassment. (Hutchinson, Rock 29, et al: Education)  
**new title**: relative to the state board's rulemaking authority and local district policy regarding situations involving manifest educational hardship.  
55, am 412-413, psd 440, conc S am 698, enr 742 (Chapter 98)
- HB 471-FN**, relative to the department of corrections, including a corrections impact statement and submission of correctional reports, and separating the positions of director of adult services and warden. (C. Brown, Graf 14: Corrections and Criminal Justice)  
**new title**: relative to the department of corrections, including a corrections impact statement and submission of correctional reports, renaming the division of adult services, and separating the positions of director of adult services and warden.  
55, am & Finance 197-198, Com 367
- HB 472-FN**, requiring the division of public health services to establish a needle exchange pilot program. (C. Kane, Rock 34, et al: Health, Human Services and Elderly Affairs)  
55, am & Finance (RC) 234-237, am 553-554, psd 568, S nonconc 697
- HB 473-FN-A-L**, establishing the distance learning commission and making an appropriation therefor. (Daniels, Hills 13, et al Science, Technology and Energy)  
55, Com 216
- HB 474-FN**, relative to unemployment compensation. (Laughlin, Hills 41, et al: Labor, Industrial and Rehabilitative Services)  
55, K 175
- HB 475-L**, enabling municipalities to create regional transit districts. (M. Fuller Clark, Rock 31, et al: Municipal and County Government)  
55, SO 439, Com 471
- HB 476-FN**, relative to adding statements of original intent to bills and resolutions. (Hunter, Hills 7, et al: Legislative Administration)  
55, K 371
- HB 477-FN**, regulating motor vehicle leasing. (M. Fuller Clark, Rock 31, et al: Commerce, Small Business, Consumer Affairs and Economic Development)  
55, Com 359
- HB 478-FN**, relative to issuing operating permits to major stationary sources of air pollution. (J. Bradley, Carr 8, et al: Science, Technology and Energy)  
55, am 125-126, psd 132, S conc 676, enr 699 (Chapter 68)
- HB 479-FN-L**, requiring that the hours of polling in a town be determined at the town meeting held prior to each state election. (Ham, Graf 4: Constitutional and Statutory Revision)  
55, K 363
- HB 480-FN**, abolishing the judicial council. (Hemon, Straf 11, et al: Judiciary and Family Law)  
55, K 241

- HB 481-FN**, relative to funding the state fire academy from certain surcharges. (Dyer, Hills 8, et al: Finance)  
55, K 435
- HB 482-FN**, requiring the division of motor vehicles to provide a limited purpose drivers license to persons who have lost their privileges. (Kennedy, Merr 7: Transportation)  
55, Com 126
- HB 483-FN**, requiring a plea bargaining agreement to be submitted to the court for judgment at least 2 weeks prior to the trial date. (R. Dodge, Rock 4, et al: Corrections and Criminal Justice)  
55, rem 135, SO 175, K 182
- HB 484-FN**, grandfathering certain sewage disposal systems from the approval requirements established by the department of environmental services. (L. Pratt, Coos 4, et al: Resources, Recreation and Development)  
55, Com 379
- HB 485-FN**, relative to the taxation of transfers of certain estates. (D. Sytek, Rock 26, et al: Finance)  
55, psd 140, 176, nonconc S am, conf 805, 840, rep adop 865, enr 869 (Chapter 246)
- HB 486-FN**, relative to lease agreements for state equipment. (Sallada, Hills 4, et al: Finance)  
55, am 140-141, psd 176, S Com 739
- HB 487-FN-L**, exempting municipalities from paying registration fees for dams. (Wasson, Straf 10, et al: Resources, Recreation and Development)  
55, K 266
- HB 488-FN**, relative to certification of and fees for wetland scientists and changing the title of "natural scientists" to "soil scientists." (Laflam, Belk 2, et al: Resources, Recreation and Development)  
55, rem 253, Com 349
- HB 489-FN**, relative to licensing dietitians and allowing the board of registration in medicine to establish certain fees. (Sallada, Hills 4, et al: Executive Departments and Administration)  
56, K 313
- HB 490-FN-L**, requiring tax collectors to provide notice to a mortgagee prior to extermination of its rights in property by issuance of a tax deed. (Noyes, Rock 26: Municipal and County Government)  
56, am 374-375, psd 440, S conc 739, enr 778 (Chapter 99)
- HB 491-FN**, requiring that milk products known to contain the genetically produced bovine somatotropin growth hormone be so labeled. (Coughlin, Merr 16: Commerce, Small Business, Consumer Affairs and Economic Development)  
56, SO 272, K 352
- HB 492-FN-L**, relative to credit in the New Hampshire retirement system for out-of-state service. (Callaghan, Straf 15, et al: Executive Departments and Administration)  
56, K 256
- HB 493-FN-L**, providing the county convention be comprised of elected members of the governing bodies from towns and cities rather than from the house of representatives. (R. Dodge, Rock 4: Municipal and County Government)  
56, K 209
- HB 494-FN**, relative to the fee for analyses required by the federal Safe Drinking Water Act. (Dickinson, Carr 2, et al: Resources, Recreation and Development)  
**new title:** relative to the fee for analyses required by the federal Safe Drinking Water Act and establishing a New Hampshire - Vermont Interstate Public Water Supply Compact.  
56, rules suspended 248, am & Finance 266-268, psd 554, 568, conc S am 805, enr 860 (Chapter 198)

- HB 495-FN**, relative to the oil discharge and disposal cleanup fund and the fuel oil discharge cleanup fund and related fees. (Holbrook, Belk 7, et al: Resources, Recreation and Development)  
56, am & Finance 146, am 573, psd 605, S conc 784, enr 869 (Chapter 247)
- HB 496-FN**, eliminating the state-operated multiple DWI offender program and authorizing services to be provided by private providers. (Morello, Hills 38: Corrections and Criminal Justice)  
56, K 138
- HB 497-FN**, relative to health insurance coverage for retirement system member spouses and dependents. (D. Sytek, Rock 26, et al: Executive Departments and Administration)  
56, rules suspended 248, am & Finance 313-314, K 540
- HB 498-FN**, relative to administrative review of suspended or revoked motor vehicle licenses. (Lozeau, Hills 30: Corrections and Criminal Justice)  
56, am 199-201, psd 245, S nonconc 676
- HB 499-FN**, allowing school administrative personnel to authorize the use of police canine units for drug and weapon searches in schools. (Hutchinson, Rock 29: Education)  
56, K 413
- HB 500**, providing for additional members and extending the reporting date for the committee to study suicide among young people established by 1994, 352:4-8. (Gagnon, Hills 48, et al: Judiciary and Family Law)  
56, K 367
- HB 501-FN-L**, relative to public employee collective bargaining. (Baroody, Hills 42: Labor, Industrial and Rehabilitative Services)  
56, Com 369
- HB 502-FN**, amending the fiscal note law. (C. Brown, Graf 14: Finance)  
56, am 122-123, psd 132, nonconc S am, conf 570, 676, rep adop 846, enr 869 (Chapter 248)
- HB 503-FN**, requiring certain motorist service signs on limited access highways to be located before the appropriate intersection. (Ham, Graf 4: Public Works and Highways)  
56, K 211
- HB 504-FN-L**, authorizing the department of revenue administration to return funds to the level recommended by a local budget committee or governing body for mandatory obligations which were reduced or eliminated by the local legislative body. (Larson, Graf 8: Municipal and County Government)  
56, K 375
- HB 505-FN**, relative to the boiler and unfired pressure vessel inspection law, including certain fees. (Hunter, Hills 7, et al: Labor, Industrial and Rehabilitative Services)  
**new title:** relative to the boiler and unfired pressure vessel inspection law.  
56, am 220-261, psd 350, S conc 696, enr 801 (Chapter 142)
- HB 506-FN-A-L**, relative to the New Hampshire school food service program and making an appropriation therefor. (Larson, Graf 8: Education)  
56, Finance 228, K 554
- HB 507-FN-L**, returning municipal ordinance fines to the municipalities. (Lockwood, Merr 9, et al: Finance)  
56, Com 574
- HB 508-FN**, relative to liability insurance coverage for foster parents. (D. Sytek, Rock 26, et al: Commerce, Small Business, Consumer Affairs and Economic Development)  
**new title:** relative to liability insurance coverage and defense expenses for foster parents.  
56, rules suspended 248, am & Finance 272-274, rules suspended 608, am 633-635, psd 639, nonconc S am, conf 805, 840, rep adop 864, enr am 875, enr 878 (Chapter 294)
- HB 509-FN**, relative to payment dates under the interest and dividends tax. (Toomey, Hills 30, et al: Finance)  
56, am 204, psd 245, S conc 784, enr 811 (Chapter 160)

- HB 510-FN**, relative to the sale of fireworks. (Hutchinson, Rock 29, et al: Public Protection and Veterans Affairs)  
57, rem 353, SO 439, am, rules suspended & Corrections 523-527, am 582-583, psd 605, S Com 739
- HB 511-FN**, clarifying the department of labor's authority over third party administrators for workers' compensation. (R. Hawkins, Rock 20, et al: Labor, Industrial and Rehabilitative Services)  
57, am 369, psd 439, S conc 696, enr am 785, enr 811 (Chapter 161)
- HB 512-FN**, relative to special license plate stickers for persons whose licenses are suspended or revoked. (Hess, Merr 11: Transportation)  
57, K 217
- HB 513-FN-L**, authorizing the department of justice to hire a special investigator to be funded through fees paid to the occupational regulatory boards and commissions. (Dowd, Rock 13, et al: Finance)  
57, psd 141, 176, S nonconc 676
- HB 514-FN**, relative to hearing aid dealers and increasing the fees for persons seeking certification as hearing aid dealers. (Dowd, Rock 13, et al: Executive Departments and Administration)  
57, rem 253, Com 348-349
- HB 515-FN**, authorizing the liquor commission to determine the location of agency stores, repealing the liquor and wine import warehouse license, and prohibiting liquor/wine/beverage warehouse licensees from holding other licenses under title XIII. (R. Kelley, Hills 18: Regulated Revenues)  
57, SO 244, am 248-249, psd 349, S conc 641, enr 669, veto sustained (RC) 891-895
- HB 516-FN-A-L**, requiring the port authority to establish a uniform system for marking the ports, harbors and navigable tidal rivers. (Merritt, Straf 8, et al: Transportation)  
57, am 270, psd 350, S conc 784, enr am 811, enr 853 (Chapter 199)
- HB 517-FN-L**, repealing the weighted voting provision relative to districts within an SAU, and providing the option for local districts to assume duties of the SAU business administrator. (Avery, Ches 8, et al: Education)  
57, K 202
- HB 518-FN**, relative to increasing the value of abandoned property subject to reporting, changing the time period after which property is assumed to be abandoned, and changing the advertising and notice requirement for abandoned property. (B. Packard, Hills 19: Commerce, Small Business, Consumer Affairs and Economic Development)  
57, am 218, psd 245, conc S am 805, enr am 875-876, enr 878 (Chapter 295)
- HB 519-FN-A**, relative to the duties of motor vehicle registration agents and certain state registration fees. (Dunn, Merr 24: Transportation)  
**new title:** authorizing the commissioner of safety to establish a pilot program in the city of Concord and other cities, which allows an alternative procedure for collecting state funds for motor vehicle registrations.  
**2nd new title:** authorizing the commissioner of safety to establish a pilot program in the city of Concord and other cities, which allows an alternative procedure for collecting state funds for motor vehicle registrations and relative to reciprocity for OHRV registration.  
57, am 345-346, psd 351, conc S am 805, enr 860 (Chapter 200)
- HB 520-FN-L**, relative to the regulation of rural electric cooperatives by the public utilities commission. (V. Clark, Rock 17, et al: Science, Technology and Energy)  
57, Com 380
- HB 521-FN-L**, creating interagency family assistance teams for at-risk youth. (Arndt, Rock 27, et al: Judiciary and Family Law)  
**new title:** creating interagency family assistance teams.  
57, am 320, psd 350, S nonconc 739

- HB 522-FN-L**, relative to withdrawal from a cooperative school district. (Jacobson, Merr 2, et al: Education)  
57, K 283
- HB 523-FN-L**, requiring all eligible persons resident of the state of voting age and otherwise empowered to vote to report to their polling place on election day or pay a fine. (Hemon, Straf 11: Constitutional and Statutory Revision)  
57, K 397
- HB 524-FN**, establishing an environmental trust fund and special motor vehicle license plate, and associated fees, to support New Hampshire's natural and cultural resources. (M. Fuller Clark, Rock 31, et al: Transportation)  
27, Com 346
- HB 525-FN**, relative to nonpublic sessions under the right-to-know law. (Cobbin, Graf 11, et al: Judiciary and Family Law)  
57, rem 135, SO 175, K 182
- HB 526-FN**, relative to the elevator law, including certain fees. (Hunter, Hills 7, et al: Labor, Industrial and Rehabilitative Services)  
57, rules suspended 248, am & Finance 325-326, rem 570, psd 605, 606, S conc 739, enr 778 (Chapter 100)
- HB 527-FN**, relative to changes in the unemployment compensation law. (Turner, Belk 7, et al: Labor, Industrial and Rehabilitative Services)  
57, am 206-208, psd 245, S conc 784, enr 869 (Chapter 249)
- HB 528-FN**, authorizing the department of safety to issue special amateur radio operator plates and related fees. (Rosen, Belk 7, et al: Transportation)  
57, SO 175, K 181
- HB 529-FN-L**, transferring certain property from the state to the town of Hampton Falls, New Hampshire. (Christie, Rock 22, et al: Public Works and Highways)  
**new title:** transferring certain property from the state to the town of Hampton Falls, New Hampshire and authorizing the transfer of another piece of Hampton Falls property to the state.  
57, am 211, psd 245, conc S am 698, enr 801 (Chapter 143)
- HB 530-FN**, transferring the functions and duties of the director of state ski operations. (Teschner, Graf 5, et al: Resources, Recreation and Development)  
58, Com 268
- HB 531-FN**, relative to recounts, including certain fees. (Flanagan, Rock 14: Constitutional and Statutory Revision)  
58, rem 353, SO 439, am 517-518, psd 528, S conc 676, enr 699 (Chapter 69)
- HB 532-FN**, requiring a co-payment from inmates of any correctional facility for nonemergency, inmate-initiated medical care. (D. Sytek, Rock 26, et al: Corrections and Criminal Justice)  
**new title:** requiring co-payments from inmates of state correctional facilities for inmate initiated medical care and mental health services and repayment for costs of property damage, escape and riots.  
**2nd new title:** requiring co-payments from inmates of state correctional facilities for inmate initiated medical care and mental health services and repayment for costs of property damage, escape and riots and relative to payment for costs of inmate litigation and cost of care.  
58, am 201-202, psd 245, nonconc S am, conf 805, 840, rep adop 865, enr am 876, enr 878 (Chapter 296)
- HB 533-FN**, relative to retirement benefits for the state treasurer. (R. Hawkins, Rock 20: Executive Departments and Administration)  
58, Com 314
- HB 534-FN**, relative to the duties of the secretary of state. (Mittelman, Hills 37: Commerce, Small Business, Consumer Affairs and Economic Deveopment)  
58, rules suspended 248, Finance 274, am 574, psd 605, conc S am 805, enr 853 (Chapter 201)

- HB 535-FN-A-L**, establishing a proportional statewide property tax to provide equal per student funding for state-mandated education, funding for kindergarten, local property tax relief for certain highly taxed municipalities and taxpayers and making an appropriation therefor. (Allen, Hills 1, et al: Finance)  
58, K (RC) 231-234
- HB 536-FN-A**, designating certain taxes and revenue to fund public kindergarten. (R. Hawkins, Rock 20: Regulated Revenues)  
58, K 335
- HB 537**, requiring an annotation of federal authority in administrative rules adopted under federal authority. (Cobbin, Graf 11, et al: Executive Departments and Administration)  
58, K 426
- HB 538-FN-L**, relative to DCYF enforcement of financial liability of responsible parties, authorizing DCYF to pay for ancillary services without a court order, and removing the requirement that advisory board consult in rate setting. (C. Brown, Graf 14: Judiciary and Family Law)  
58, K 259
- HB 539-FN**, making certain changes to the legacy and succession tax. (D. Sytek, Rock 26: Finance)  
58, am 574-580, psd 605, conc S am 847, enr 869 (Chapter 250)
- HB 540-FN-L**, relative to registration and public notification of information regarding serious felony offenders and sexual offenders. (Hess, Merr 11: Corrections and Criminal Justice)  
59, K 202
- HB 541-FN-L**, making the state court system financially self-supporting. (Raynowska, Rock 26, et al: Judiciary and Family Law)  
59, K 175
- HB 542-FN**, requiring certification and certification fees for nonattorneys who act as taxpayer representatives before municipalities and the board of tax and land appeals and providing for regulation of such taxpayer representatives. (Dowling, Rock 13, et al: Executive Departments and Administration)  
**new title:** permitting nonattorneys to represent taxpayers in certain appeals before municipalities and the board of tax and land appeals.  
59, am 314-315, psd 350, nonconc S am, conf 740, 783, 807, rules suspended 848, rep adop 853, enr 869(Chapter 251)
- HB 543-FN**, imposing a surcharge on fines and default payments which are overdue to the division of motor vehicles. (J. Bradley, Carr 8, et al: Judiciary and Family Law)  
59, Finance 206, rem 571, K 605
- HB 544-FN-A-L**, providing for property tax relief and making an appropriation therefor. (Kurk, Hills 5, et al: Finance)  
59, K 141
- HB 545-FN**, relative to child support collection and related rulemaking authority of the director of human services. (J. Brown, Straf 17, et al: Judiciary and Family Law)  
**new title:** relative to child support collection and related rulemaking authority of the director of human services and making an appropriation therefor.  
59, rules suspended 248, am & Finance 259, am 540, psd 568, S conc 807, enr am 849, enr 869 (Chapter 252)
- HB 546-FN-A-L**, relative to a statewide school tax on income and making an appropriation therefor. (Jacobson, Merr 2: Finance)  
59, rem 135, SO 175, K 182
- HB 547-FN-L**, establishing a retirement system for volunteer firefighters. (Dyer, Hills 8, et al: Executive Departments and Administration)  
59, Com 315



- HB 548-FN**, relative to license fees for the transport of hazardous materials and waste. (J. Chandler, Merr 1, et al: Transportation)  
59, K 346
- HB 549-FN**, crediting certain sums collected by the banking department to the department's consumer credit administration division, repealing the debt adjuster's license fund, and replacing the small loan license fund with the consumer credit administration license fund. (Lindblade, Sull 7, et al: Commerce, Small Business, Consumer Affairs and Economic Development)  
59, psd 274, 350, S conc 784, enr 869 (Chapter 253)
- HB 550-FN-A-L**, designating certain taxes and revenue to fund public kindergarten and making an appropriation therefor, and repealing certain tax credits and a tax carry forward credit. (Durham, Hills 22, et al: Education)  
59, Com 256
- HB 551-FN-L**, relative to the denial or revocation of drivers', occupational, and sporting licenses for nonpayment of child support. (Kurk, Hills 5, et al: Judiciary and Family Law)  
**new title:** relative to the denial or revocation of drivers', occupational, and sporting licenses for nonpayment of child support, and making an appropriation therefor.  
59, SO 244, rules suspended & Finance 248, am 554-555, psd 568, conc S am 806, enr am 868, enr 869 (Chapter 254)
- HB 552-FN**, relative to the design and the display of the state flag. (Jacobson, Merr 2: Public Protection and Veterans Affairs)  
59, Com 330
- HB 553-FN-A-L**, relative to workers' compensation coverage for emergency services employees who contract blood transmitted diseases and making an appropriation therefor. (Gage, Rock 26: Labor, Industrial and Rehabilitative Services)  
59, K 175
- HB 554-FN-L**, relative to health insurance for workers' compensation recipients. (DePecol, Ches 14: Labor, Industrial and Rehabilitative Services)  
59, K 370
- HB 555-FN**, requiring certificates of title and title fees for OHRVs. (S. Packard, Rock 29: Transportation)  
59, Com 217
- HB 556-FN**, regulating rate modifications for accident and health insurance policies and requiring all vendors of medical and surgical benefits contracting with the state to comply with the same financing mechanism as the approved principal vendor. (Crory, Graf 10, et al: Commerce, Small Business, Consumer Affairs and Economic Development)  
**new title:** regulating rate modifications for accident and health insurance policies.  
**2nd new title:** requiring health insurers to have their medical expenses audited annually.  
59, am 274-275, psd 350, nonconc S am, conf 698, 840, rep adop 864, enr 869 (Chapter 255)
- HB 557-FN**, relative to the procedures of the central registry under the division for children, youth, and families. (Lyman, Carr 5, et al: Judiciary and Family Law)  
59, am 320-321, psd 350, S nonconc 739
- HB 558-FN-A**, requiring all nonprofit health insurers to pay the premium tax. (R. Wheeler, Hills 7: Finance)  
**new title:** requiring certain nonprofit health insurers and dental insurers to pay the premium tax.  
59, am 435-436, psd 440, nonconc S am, conf 806, 841, rep adop (RC) 865-867, enr 869 (Chapter 256)
- HB 559-FN-A**, relative to the distribution of the meals and rooms tax and establishing a committee to study the balance between the cost to communities of out-of-state industry and retail business operating in the community and the benefits to the community of such out-of-state industry and retail business as regards the meals and rooms tax. (Cooper, Carr 2, et al: Finance)  
59-60, K 141

- HB 560-FN-A**, establishing a residential care pilot program and making an appropriation therefor. (Lynch, Ches 19, et al: Health, Human Services and Elderly Affairs)  
60, am & Finance 237-238, psd 540, 568, S conc 807, enr 838, veto sustained (RC) 895-898
- HB 561-FN**, repealing the workers' compensation commission. (C. Brown, Graf 14: Executive Departments and Administration)  
**new title:** repealing the workers' compensation commission and establishing a commission to study the Pease development authority and making an appropriation therefor.  
60, psd 256, 350, nonconc S am, conf 806, 841, rep adop 867, enr am 876, enr 878, appointments 914 (Chapter 297)
- HB 562-FN**, relative to accidental death benefits and college tuition benefits for the surviving spouse and children of certain deceased group II members. (O'Rourke, Hills 39, et al: Executive Departments and Administration)  
60, K 140
- HB 563-FN**, relative to the repair and maintenance of the road from New Hampshire route 10 to Bedell Bridge state park and relative to the construction of a boat launch at the park. (Teschner, Graf 5, et al: Public Works and Highways)  
**new title:** relative to the repair and maintenance of the road from New Hampshire route 10 to the Connecticut River in Bedell Bridge state Park and relative to the construction of a boat launch at the park.  
60, am & Finance 111-112, psd 204, 245, S conc 676, enr 699 (Chapter 70)
- HB 564-FN-A**, requiring the University of New Hampshire, in conjunction with the department of environmental services, the department of health and human services, and the department of transportation, to study the impact of road salts and making an appropriation therefor. (Burnham, Ches 8, et al: Public Works and Highways)  
60, K 130
- HB 565-FN-L**, requiring the state to reimburse municipalities for a percentage of the costs of municipal services provided to state facilities and state university system property. (McGovern, Rock 35, et al: Finance)  
60, Com 436
- HB 566-FN-L**, relative to AIDS testing for persons performing a public service. (Arnold, Hills 20: Health, Human Services and Elderly Affairs)  
60, K 175
- HB 567-FN**, requiring attorneys who write wills for New Hampshire residents to provide certain information to the supreme court, and requiring the supreme court to establish a computerized storage method for this information. (Sallada, Hills 4: Judiciary and Family Law)  
60, K 206
- HB 568-FN**, relative to the sale of pharmaceutical drugs. (Lindblade, Sull 7: Commerce, Small Business, Consumer Affairs and Economic Development)  
60, Com 275
- HB 569**, establishing a committee to review and make recommendations concerning the administrative practices of the public employee labor relations board. (Kurk, Hills 5, et al: Executive Departments and Administration)  
60, Com 426-427
- HB 570-FN-A**, relative to the definition of restaurant for the purposes of the meals and rooms tax. (McCann, Straf 11, et al: Finance)  
60, K 436
- HB 571-FN**, relative to use of per diem compensation by state boards and commissions and by the state to pay certain costs of employing superior court bailiffs; increasing the pay of parole board members; and requiring a termination provision for advisory committees. (Klemm, Rock 28, et al: Executive Departments and Administration)  
**new title:** relative to use of per diem compensation by the state to pay certain costs of employing superior court bailiffs; increasing the pay of parole board members; and requiring a termination provision for advisory committees.

**2nd new title:** relative to use of per diem compensation by state boards and commissions and by the counties to pay certain costs for requirements of bailiffs imposed by a county sheriff's department; increasing the pay of parole board members; and requiring a termination provision for advisory committees.

**3rd new title:** relative to use of per diem compensation by the state to pay certain costs of employing superior court bailiffs; increasing the pay of parole board members; and requiring a termination provision for advisory committees.

60, rules suspended 248, am & Finance 315-316, am 540-541, psd 568, nonconc S am, conf 806, 841, rep adop 864, enr 869 (Chapter 257)

**HB 572-FN-A**, relative to the exemption for hospitals under the meals and rooms tax. (Buckley, Hills 44, et al: Finance)

**new title:** relative to the exemption for hospitals under the meals and rooms tax and setting the tax rate under the medicaid enhancement tax for the biennium ending June 30, 1997. 61, psd 367, 439, conc S am 675, enr 699 (Chapter 80)

**HB 573-FN-L**, including ferrets in the law requiring rabies vaccinations. (L'Heureux, Hills 18, et al: Environment and Agriculture)

61, am 414-417, psd 440, conc S am 783, enr 853 (Chapter 202)

**HB 574-FN-L**, requiring seatbelts on all buses transporting school children. (Pantelakos, Rock 30, et al: Transportation)

61, rem 135, SO 175, K 183, recon notice 184, recon rej 241

**HB 575-FN-L**, requiring certificates of title for vessels. (Malcolm, Rock 22, et al: Transportation)

61, Com 150

**HB 576-FN**, relative to genetic testing. (Below, Graf 13, et al: Commerce, Small Business, Consumer Affairs and Economic Development)

61, am 388-390, psd 440, S conc 696, enr 742 (Chapter 101)

**HB 577-FN**, altering the jurisdictional boundaries of the Northern Carroll County district court and the Plymouth-Lincoln district court. (G. Chandler, Carr 1, et al: Judiciary and Family Law)

61, am 143-144, psd 176, S conc 534, enr 570 (Chapter 17)

**HB 578-FN**, requiring juvenile case and court records to be unsealed in certain cases. (Arnold, Hills 20, et al: Corrections and Criminal Justice)

61, K 255-256

**HB 579-FN**, requiring the executive director of fish and game to report to the general court relative to the bear and moose management funds. (Mock, Carr 3, et al: Finance)

61, am 104-105, psd 117, S conc 641, enr am 674, enr 699 (Chapter 71)

**HB 580-FN**, allowing the formation of and regulating limited liability partnerships and providing for registration fees. (Mercer, Hills 27, et al: Commerce, Small Business, Consumer Affairs, and Economic Development)

61, Com 275

**HB 581-FN**, authorizing the department of environmental services, division of water resources, to acquire certain dams. (R. McKinley, Straf 2, et al: Resources, Recreation and Development)

61, am & Finance 146-147, psd 580, 605, conc S am 740, enr 786 (Chapter 144)

**HB 582-FN**, designating a portion of New Hampshire route 25 the Mount Moosilauke Highway. (A. Brown, Graf 9, et al: Public Works and Highways)

61, am 124, psd 132, S conc 534, enr 570 (Chapter 18)

**HB 583-A**, requiring the state to reopen Mittersill ski area and making an appropriation therefor. (W. Williams, Graf 3, et al: Public Works and Highways)

61, Com 265

**HB 584-FN-L**, relative to payment in lieu of taxes for the dam owned by the division of water resources in Pittsburg and Clarksville. (G. Merrill, Coos 1, et al: Resources, Recreation and Development)

61, rules suspended 248, am & Finance 338, psd 541, 568, S conc 807, enr 811 (Chapter 162)

- HB 585-FN-L**, exempting certain vessels from the state vessel registration fee and the boat fee. (Syracusa, Rock 33: Transportation)  
61, K 346
- HB 586-FN**, suspending the salary and benefits of any judge suspended by the supreme court for misconduct. (D. Sytek, Rock 26, et al: Judiciary and Family Law)  
61, am & LT 321-322 (awaiting opinion of Justices; not received by 7/1/95; see HR 14)
- HB 587-FN**, permitting department heads to authorize travel expenses. (Copenhaver, Graf 10, et al: Finance)  
61, am 171-172, psd 177, S nonconc 697
- HB 588-FN-L**, relative to license fees for dogs and cats. (K. Wheeler, Straf 8, et al: Municipal and County Government)  
**new title:** relative to a forfeiture for failure to license a dog.  
**2nd new title:** relative to license fees for dogs and cats.  
61, SO 439, am 471-474, psd 528, nonconc S am, conf 740, 783, 807, rep adop 867, enr am 876, enr 878 (Chapter 298)
- HB 589-FN**, excluding convicted felons from serving on juries. (Mittelman, Hills 37; Battles, Rock 18: Judiciary and Family Law)  
61, SO 439, Com 449
- HB 590-FN**, requiring all advertising for all forms of gambling in the state to include a statement or disclaimer of the odds of winning. (Splaine, Rock 36, et al: Regulated Revenues)  
61, K 212
- HB 591-FN**, relative to forming a joint committee on boards and commissions orientation. (Emerton, Hills 7, et al: Executive Departments and Administration)  
61, Com 256
- HB 592-FN-A**, relative to pledges raised by the community development finance authority. (Newland, Merr 15, et al: Finance)  
61, am 437-438, psd 440, S conc 807, enr 811 (Chapter 172)
- HB 593-FN**, requiring the supreme court and the attorney general to release all confidential and nonconfidential materials relative to former Judge John C. Fairbanks and requesting the Nevada attorney general to release all confidential and nonconfidential materials on former Judge Fairbanks. (Hemon, Straf 11, et al: Judiciary and Family Law)  
**new title:** requesting the supreme court and the attorney general to release all confidential and nonconfidential materials relative to former Judge John C. Fairbanks.  
61-62, SO 439, am & LT 449-450, S Ct opin req (HR 16), motion to remove from table rej (RC) 906-909, IP 911
- HB 594-FN-L**, requiring employers to report to the department of employment security the names of individuals hired or rehired, which information is used by the division of human services in child support enforcement. (Kurk, Hills 5, et al: Judiciary and Family Law)  
**new title:** requiring employers to report to the department of employment security the names of individuals hired or rehired, which information is used by the division of human services in child support enforcement and making an appropriation therefor.  
62, rules suspended 248, am & Finance 322-324, am 555, psd 568, S Com 739
- HB 595-FN**, repealing the 120-day statute of limitations for tax refunds or credit claims based on constitutional grounds. (Jacobson, Merr 2: Finance)  
62, K 438
- HB 596-FN-L**, relative to the use of compensatory time for municipal employees. (Peyron, Sull 4: Labor, Industrial and Rehabilitative Services)  
62, am 370-371, psd 439, conc S am 698, enr 742 (Chapter 102)
- HB 597-FN-L**, assessing taxes on gambling winnings to fund public kindergarten. (R. Wollner, Ches 17, et al: Education)  
62, K (RC) 283-286

- HB 598-FN**, relative to the healthy kids act. (M. Wallner, Merr 24, et al: Health, Human Services and Elderly Affairs)  
62, psd 142, 176, conc S am 847, enr 869, appointments 916 (Chapter 258)
- HB 599-FN**, licensing, regulating and taxing video gambling machine use. (Laughlin, Hills 41, et al: Regulated Revenues)  
62, Com 335
- HB 600-FN**, relative to unclassified employees. (Pepino, Hills 40: Executive Departments and Administration)  
62, K 256
- HB 601-FN**, relative to medical and retirement benefits for a former group II member of the New Hampshire retirement system. (Christie, Rock 22: Executive Departments and Administration)  
**new title**: relative to retirement benefits for a former group II member of the New Hampshire retirement system.  
62, rules suspended 248, recon, am & Finance (RC) 316-319, am 541, psd 568, S conc 807, enr 860 (Chapter 203)
- HB 602-FN**, authorizing the pari-mutuel commission to license electronic games of chance at certain pari-mutuel facilities. (Milligan, Hills 18, et al: Regulated Revenues)  
62, K 335
- HB 603-FN**, authorizing the sweepstakes commission to construct and administer a casino establishment at the former Pease Air Force Base. (Hutchinson, Rock 29, et al: Regulated Revenues)  
62, K 266
- HB 604-FN-L**, abolishing the Pittsfield district court. (Lockwood, Merr 9: Judiciary and Family Law)  
62, am 144, psd 176, conc S am 806, enr 853 (Chapter 204)
- HB 605-FN**, requiring boating safety education. (Syracusa, Rock 33, et al: Resources, Recreation and Development)  
62, Com 339
- HB 606-L**, excluding certain welfare recipients from the definition of public employee under the workers' compensation law. (Syracusa, Rock 33, et al: Labor, Industrial and Rehabilitative Services)  
62, Com 371
- HB 607-FN**, decreasing the waiver amounts necessary for the owner of a vehicle to be issued a certificate of exemption under the motor vehicle emissions laws and exempting 1974 and older model vehicles from the emissions laws. (J. Bradley, Carr 8, et al: Science, Technology and Energy)  
**new title**: relative to the motor vehicle inspection and maintenance program.  
62, SO 439, am 508-511, psd 528, conc S am 698, enr 778 (Chapter 103)
- HB 608-FN**, relative to the authority of health maintenance organizations. (Lindblade, Sull 7, et al: Commerce, Small Business, Consumer Affairs and Economic Development)  
62, K 390-391
- HB 609-FN-L**, relative to payment for HIV testing under workers' compensation. (Pfaff, Merr 11, et al: Labor, Industrial and Rehabilitative Services)  
**new title**: relative to testing for bloodborne diseases under workers' compensation.  
62, am 208, psd 245, S conc 807, enr 860 (Chapter 205)
- HB 610-L**, integrating changes in the municipal budget act into the laws relating to towns and school districts. (R. Wheeler, Hills 7, et al: Municipal and County Government)  
62, Com 375
- HB 611-FN-L**, establishing an optional program allowing a tax credit for part of the school portion of local property tax for individuals who home school their children. (Gorman, Rock 8, et al: Municipal and County Government)  
62, K 263

- HB 612-FN**, requiring the attorney general to bring suit against the United States Government for violating the United States Constitution and the New Hampshire constitution by enacting a military firearms ban. (Mirski, Graf 12, et al: Judiciary and Family Law)  
62, Com 324
- HB 613-FN**, relative to protection and control of certain highways. (Pfaff, Merr 11, et al: Public Works and Highways)  
63, am 375-376, psd 440, S conc 696, enr 742 (Chapter 104)
- HB 614-FN-L**, to provide an additional service retirement option for group 1 teacher members of the retirement system. (C. Jean, Hills 32, et al: Executive Departments and Administration)  
63, Com 319-320
- HB 615-FN-A**, establishing a new statewide tax on land values to fund the division of mental health and developmental services and establishing a homestead exemption. (Noyes, Rock 26, et al: Finance)  
63, K 141
- HB 616**, relative to scenic byways. (M. Fuller Clark, Rock 31, et al: Public Works and Highways)  
63, am 211, psd 245, conc S am 675, enr 778 (Chapter 105)
- HB 617-L**, allowing municipalities to exclude civil service pensions from income limitations for the purposes of qualifying for elderly tax exemptions. (M. Fuller Clark, Rock 31, et al: Municipal and County Government)  
63, K 145
- HB 618-FN**, requiring the department of safety to keep drivers' records confidential except for certain reasons. (Kurk, Hills 5, et al: Transportation)  
63, am 347-348, psd 351, nonconc S am, conf 806, 841, rules suspended 848, rep adop 853 (unable to agree)
- HB 619-FN-A-L**, establishing the constitutional defense oversight committee and making an appropriation therefor. (Gorman, Rock 8, et al: Judiciary and Family Law)  
63, K 324
- HB 620-FN**, relative to mandatory prelitigation screening and mediation panels for professional negligence claims. (Senter, Rock 16, et al: Judiciary and Family Law)  
63, K 324-325
- HB 621-FN**, relative to the acquisition of electric service by the Pease development authority. (Syracusa, Rock 33, et al: Science, Technology and Energy)  
63, K 380-381
- HB 622**, relative to distributing political campaign literature at polling places on election day. (Buckley, Hills 44, et al: Constitutional and Statutory Revision)  
63, K 398
- HB 623**, expanding the membership of the state conservation committee. (Teschner, Graf 5, et al: Environment and Agriculture)  
**new title:** expanding the membership of the state conservation committee and correcting obsolete references.  
63, am 417-418, psd 440, conc S am 783, enr am 849, enr 860 (Chapter 206)
- HB 624-FN-A-L**, relative to a local land use board training program and making an appropriation therefor. (Metzger, Ches 13, et al: Executive Departments and Administration)  
**new title:** establishing a 2-year pilot program for local land use board training and making an appropriation therefor.  
**2nd new title:** establishing a 2-year pilot program for local land use board training.  
63, rules suspended 248, am & Finance 257, am 555-556, psd 568, S nonconc 697
- HB 625**, relative to small power producers, qualifying cogenerators, and payment for the purchase of the output of certain facilities. (Dickinson, Carr 2: Science, Technology and Energy)  
63, Com 381

- HB 626-FN**, establishing a shoreline structures board and relative to the regulation of certain impact projects. (Bartlett, Belk 6, et al: Resources, Recreation and Development) 63, K 268
- HB 627**, requiring the New Hampshire commission on interstate cooperation to renegotiate the interstate solid waste compact. (Burnham, Ches 8, et al: Environment and Agriculture) 63, K 171
- HB 628**, limiting liability of members of juvenile diversion committees or boards, supervisors of juveniles in diversion programs, and owners of property on which juvenile diversion programs are conducted. (Mirski, Graf 12, et al: Judiciary and Family Law) 63, K 206
- HB 629**, relative to the placement of political campaign signs. (Pelletier, Straf 12: Public Works and Highways) 63, K 124
- HB 630**, recodifying and revising the forestry laws. (Dickinson, Carr 2, et al: Resources, Recreation and Development) 63, SO 439, am 477-506, psd 528, nonconc S am, conf 741, 783, rep adop 860, enr am 876-877, enr 878 (Chapter 299)
- HB 631**, designating the New Hampshire tartan. (Avery, Ches 8, et al: Executive Departments and Administration) 63, psd 366, 439, S conc 676, enr 699 (Chapter 72)
- HB 632**, relative to repealing laws providing for straight ticket voting, repealing laws that give preferential ballot position to the incumbent majority party, and prohibiting a candidate from being the nominee of more than one party. (A. Merrill, Straf 8, et al: Constitutional and Statutory Revision) 63, K (RC) 398-401
- HB 633-L**, expanding the definition of "compact area" within a town or city. (Nordgren, Graf 10, et al: Municipal and County Government) 64, K 209
- HB 634-L**, allowing an amount to be assessed as part of village district property tax rates to be used to reimburse municipalities for paying village district tax abatements and interest. (Malcolm, Rock 22, et al: Municipal and County Government) 64, Com 375
- HB 635-L**, relative to expenditures by local land use boards. (G. Brown, Straf 17: Municipal and County Government) 64, K 375
- HB 636-FN**, prohibiting certain advertising devices on scenic and cultural byways. (M. Fuller Clark, Rock 31, et al: Public Works and Highways)  
**new title**: relative to advertising devices on scenic and cultural byways and increasing the membership of the scenic and cultural byways council. 64, am 265-266, psd 350, conc S am 675, enr 742, appointments 918 (Chapter 106)
- HB 637-L**, relative to a local option fee for public transportation. (M. Fuller Clark, Rock 31, et al: Transportation) 64, K 150
- HB 638-FN-A**, relative to creating a centralized computerized checklist and making an appropriation therefor. (M. Fuller Clark, Rock 31, et al: Constitutional and Statutory Revision) 64, Com 225
- HB 639-FN**, reclassifying portions of certain roads in the towns of Sugar Hill and Albany. (D. Philbrick, Carr 4, et al: Public Works and Highways) 64, am & Finance 124, psd 204, 245, S conc 807, enr 838 (Chapter 177)
- HB 640-L**, establishing procedures to provide voters an opportunity to establish a budget committee by ballot vote at the general election. (Noyes, Rock 26, et al: Constitutional and Statutory Revision) 64, K 363

- HB 641-FN**, relative to regulation of mortgage loan servicing companies by the banking department and requiring mortgage loan servicing companies to register with and pay registration fees to the department. (Hunt, Ches 10, et al: Commerce, Small Business, Consumer Affairs and Economic Development)  
64, am & Finance 218-219, psd 580, 605, conc S am 806, enr 860 (Chapter 207)
- HB 642-FN-A-L**, to extend NH Public Television services to all New Hampshire public schools, grades K-12, and making an appropriation therefor. (Larson, Graf 8: Finance)  
64, K 123
- HB 643**, allowing cruise ships, the primary purpose of which is tourism, to come into New Hampshire waters if their gambling machines are shut down. (Syracusa, Rock 33, et al: Commerce, Small Business, Consumer Affairs and Economic Development)  
**new title:** allowing cruise ships, the primary purpose of which is tourism, to come into New Hampshire waters if their gambling machines are shut down and relative to the operation of bingo games.  
64, psd 275, 350, nonconc S am, conf 741, 779, 783, 807, rep adop 864, enr am 877, enr 878 (Chapter 300)
- HB 644-FN-L**, relative to fees for issuing low digit and single letter license plates and using the funds to provide financial aid to cities and towns for transporting school children to kindergarten. (Trombly, Merr 4, et al: Transportation)  
64, SO 244, K (RC) 342-344
- HB 645**, prohibiting contracts between health maintenance organizations and physicians from containing clauses limiting the liability of the health maintenance organization for actions of the physician for which the health maintenance organization might otherwise have liability. (M. Fuller Clark, Rock 31, et al: Judiciary and Family Law)  
**new title:** prohibiting contracts between certain types of insurers and physicians from containing clauses limiting the liability of such insurers for actions of the physician for which the insurers might otherwise have liability.  
64, am 367-368, psd 439, S conc 696, enr 742 (Chapter 126)
- HB 646-L**, relative to the use of county real property. (R. Wheeler, Hills 7, et al: Municipal and County Government)  
64, psd 210, 245, S conc 784, enr 811 (Chapter 163)
- HB 647-FN-A**, establishing a municipal bridge repair and a department of transportation "on the shelf" program and continually appropriating the municipal bridge repair and the department of transportation "on the shelf" account. (R. Wheeler, Hills 7: Public Works and Highways)  
64, Com 211-212
- HB 648-L**, eliminating municipal responsibility to provide, or assure access to, an approved solid waste facility. (MacGillivray, Hills 21: Environment and Agriculture)  
64, K 418
- HB 649-FN-L**, relative to independent contractors under workers' compensation. (Turner, Belk 7, et al: Labor, Industrial and Rehabilitative Services)  
64, SO 439, am 464-466, psd 528, nonconc S am, conf 806, 841, rep adop 867, enr am 877-878, enr 878 (Chapter 301)
- HB 650-FN-A**, concerning youth access to tobacco and making an appropriation therefor. (D. Sytek, Rock 26, et al: Commerce, Small Business, Consumer Affairs and Economic Development)  
**new title:** concerning youth access to tobacco.  
64, rules suspended 248, am & Finance 275-276, rcmt 593, rules suspended 608, am (RC) 635-638, psd 639, conc S am 806, enr 869 (Chapter 259)
- HB 651-FN-A**, extending the date for the submission of a river basin planning and assessment program by the department of environmental services and making an appropriation therefor. (Conroy, Rock 13, et al: Resources, Recreation and Development)



**new title:** extending the date for the submission of a river basin planning and assessment program by the department of environmental services and making an appropriation therefor and relative to the Upper Valley Lake Sunapee Regional Planning Commission. 65, Finance 214, am 438-439, psd 440, S conc 808, enr 860 (Chapter 208)

**HB 652-FN-L**, allowing criminal action after a juvenile offender's nineteenth birthday in certain circumstances, and making technical changes to the juvenile delinquency provisions. (D. Sytek, Rock 26, et al: Corrections and Criminal Justice) 66, am 406, psd 440, nonconc S am, conf 806-807, 841, rep adop 867, enr am & enr 878 (Chapter 302)

**HB 653**, allowing the board of manufactured housing to adopt interim rules. (Lozeau, Hills 30: Commerce, Small Business, Consumer Affairs and Economic Development) 66, psd 359-360, 439, S conc 676, enr 742 (Chapter 107)

**HB 654 & 655**, not introduced

**HB 656**, permitting unpaid leaves of absence for judges. (Kurk, Hills 5, et al: Judiciary and Family Law)  
**new title:** permitting an unpaid leave of absence for one superior court justice. 186, rules suspended, am & psd 252-253, S conc 352, enr 351 (Chapter 5)

**HB 657**, directing the supreme court to designate one or more counties for a family division pilot program within the judicial branch and to establish such program. (Lockwood, Merr 9, et al: Judiciary and Family Law)  
**new title:** directing the supreme court to designate Rockingham and Grafton counties for a family division pilot program within the judicial branch and to establish such program. 529, psd 601, 606, conc S am 741, enr 786 (Chapter 152)

**HB 658**, to legalize the 1995 annual town meetings for Bartlett and Gilmanton, and to legalize the 1995 Barrington school district annual meeting. (Golden, Bel 5, et al: Municipal and County Government)  
**new title:** to legalize the 1995 annual town meetings for Bartlett and Gilmanton.  
**2nd new title:** to legalize the 1995 annual town meetings for Bartlett and Gilmanton, and to legalize the 1995 Barrington school district annual meeting. intro & rules suspended 834-835, rules suspended, am & psd 845-846, conc S am 853, enr 860 (Chapter 209)

## 1995 SESSION

### HOUSE JOINT RESOLUTIONS

**HJR 1**, reaffirming state sovereignty under the 10th Amendment to the United States Constitution. (Gorman, Rock 8, et al: State-Federal Relations) 32, psd 345, 350, S conc 676, enr 673 (Chapter 50)

**HJR 2**, urging the members of the New Hampshire legislature to consider and support the recommendations of the Northern Forest Lands Council Study Committee. (Scanlan, Graf 11, et al: Resources, Recreation and Development) 49, am 147-148, psd 177, S conc 534, enr 570 (Chapter 19)

**HJR 3**, urging the members of Congress to implement the recommendations of the Northern Forest Lands Council. (Scanlan, Graf 11, et al: State-Federal Relations) 49, am 268-270, psd 350, S conc 641, enr 669 (Chapter 36)

**HJR 4**, urging the United States Environmental Protection Agency to make certain changes in the Clean Air Act amendments which would enable states to better comply with the law. (J. Bradley, Carr 8, et al: Science, Technology and Energy)  
**new title:** urging the United States Congress and the United States Environmental Protection Agency to make certain changes in the Clean Air Act amendments which would enable states to better comply with the law. 58, am 381, psd 440, S conc 676, enr 699 (Chapter 73)

**HJR 5**, urging the Base Closure and Realignment Commission to remove the Portsmouth Naval Shipyard from the Base Closure List and proclaiming June 3, 1995, as Portsmouth Naval Shipyard Day. (Syracusa, Rock 33, et al)  
rules suspended, intro & psd 833-834, S conc 847, enr 850 (Chapter 186)

### 1995 SESSION

#### HOUSE CONCURRENT RESOLUTIONS

**HCR 1**, calling for a federal constitutional convention to propose an amendment to the United States Constitution prohibiting unfunded federal mandates. (Kennedy, Merr 7, et al: State-Federal Relations)  
45, SO 439, Com 511

**HCR 2**, urging the governor to reopen negotiations on the agreement between the state and Northeast Utilities. (Below, Graf 13, et al: Science, Technology and Energy)  
45, K 381

**HCR 3**, relative to population policy and environmental preservation. (Jacobson, Merr 2, et al: State-Federal Relations)  
49, K (RC) 339-342

**HCR 4**, relative to the Republic of China on Taiwan. (Gage, Rock 26, et al: State-Federal Relations)  
58, adop 268, 350, S conc 641

**HCR 5**, requesting Congress to adopt as part of the Contract with America procedures for instituting a constitutional amendment prohibiting desecration of the United States flag. (Pepino, Hills 40, et al: Public Protection and Veterans Affairs)  
65, SO 439, Com 474

**HCR 6**, encouraging the establishment of an action plan for balanced competition in the federal system. (Dickinson, Carr 2, et al: State-Federal Relations)  
65, K 345

### 1995 SESSION

#### HOUSE RESOLUTIONS

**HR 1**, adopting the 1994 session house rules, subject to amendments. (A. Torr, Straf 12, et al) intro & am 10-11, adop 15, am 26, am (7 RCs) 68-95, recon notice 101 (See also HR 21)

**HR 2**, providing for the appointment of a committee to assign seats to house members. (A. Torr, Straf 12, et al)  
intro & adop and members appointed 11, 15

**HR 3**, providing for a committee to recommend a house chaplain in the 1995 session. (A. Torr, Straf 12, et al)  
intro & adop and members appointed 11, 15, selection 24

**HR 4**, providing for the taping and correction of the house permanent journal. (A. Torr, Straf 12, et al)  
intro & adop 12, 15

**HR 5**, authorizing the house speaker to employ necessary personnel. (A. Torr, Straf 12, et al)  
intro & adop 12, 15

**HR 6**, providing for the distribution of certain legislative publications. (A. Torr, Straf 12, et al)  
intro & adop 12, 15

**HR 7**, providing the time of payment for salary and mileage payments to house members. (A. Torr, Straf 12, et al)  
intro & adop 12, 15

**HR 8**, allowing the speaker to cancel meetings of the house in case of severe weather. (A. Torr, Straf 12, et al)  
intro & adop 12, 15

- HR 9**, presenting a petition objecting to the seating of Robert Scott as a state representative from Sullivan county, district 4. (Legislative Administration)  
13-15, denied (RC) 602-604
- HR 10**, honoring Rep. Daniel J. Healy of Manchester for his years of service to the New Hampshire House of Representatives.  
intro & adop 8-9
- HR 11**, urging Congress to pass a Constitutional amendment authorizing school prayer. (Pepino, Hills 40: State-Federal Relations)  
58, rem 253, K 349
- HR 12**, honoring Clark Benson of Lancaster for helping to subdue a dangerous prisoner at the Coos County Courthouse.  
intro & adop 134
- HR 13**, honoring former State Representative Dennis J. Kilbride of Berlin.  
intro & adop 247
- HR 14**, requesting an opinion of the justices concerning the constitutionality of HB 586-FN. (Lockwood, Merr 9, et al: Judiciary and Family Law)  
246, adop 322, 350
- HR 15**, affirming unrestricted revenue estimates for fiscal years 1996 and 1997. (C. Brown, Graf. 14; Finance)  
intro, adop & LT 286-287, am & LT 607-608, 835-838, IP 911
- HR 16**, requesting the supreme court to release all confidential and nonconfidential materials relative to the late John C. Fairbanks. (Hess, Merr 11, et al)  
351, adop 450-451, 528, Court's response printed 884-885
- HR 17**, celebrating Greek independence day.  
intro & adop 532-533
- HR 18**, urging Congress and the New Hampshire Congressional delegation to support school-based meal and nutrition programs. (Trombly, Merr 4: State-Federal Relations)  
529, am (RC) 666-669, adop 669
- HR 19**, encouraging gun safety education programs for children. (Hambrick, Straf 7, et al)  
intro & adop 567-568
- HR 20**, amending the joint rules. (D. Scanlan, Graf 11)  
intro & adop 535, 568
- HR 21**, amending the house rules. (A. Torr, Straf 12, et al)  
intro & adop 535-536, 568
- HR 22**, requesting an opinion of the justices concerning the constitutionality of HB 55-FN-A. (Trombly, Merr 4, et al)  
606, LT 628, IP 911
- HR 23**, memorializing former Representative Crysoula A. Katsiaficas. (Burns, Coos 5)  
intro & adop 642-643
- HR 24**, acknowledging the 25th Anniversary of Earth Day. (McKinney, Rock 29, et al)  
intro & adop 671-672
- HR 25**, expressing sympathies to the citizens of Oklahoma City and to the State of Oklahoma. (Burns, Coos 5)  
intro & adop 672
- HR 26**, urging the President of the United States to permit a visit by the President of the Republic of China on Taiwan. (Gage, Rock 26, et al)  
670, adop 672
- HR 27**, amending the joint rules for the 1995 legislative session. (A. Torr, Straf 12, et al)  
intro & adop 672-673
- HR 28**, memorializing the late Representative David M. Perry of Swanzey.  
intro & adop 779-780

- HR 29**, urging New Hampshire to establish a day to celebrate our lakes and ponds, to be known as "Celebrate Your Lakes Day." (Ziegra, Belk 5)  
intro & adop 848, 853
- HR 30**, applauding the Odyssey of the Mind World Championship Team from the Hood Junior High School in Derry. (P. Katsakiores, Rock 13, et al)  
intro & adop 854-855
- HR 31**, recognizing the National and State Anniversaries of Women in the Legislature. (Burns, Coos 5)  
intro & adop 880
- HR 32**, urging the governor to submit the application prepared by the department of education to the federal government for a Goals 2000 grant. (A. Torr, Straf 12, et al)  
intro & adop (RC) 880-883, 909

## 1995 SESSION SENATE BILLS

- SB 1**, relative to terms limits. (Constitutional and Statutory Revision)  
529, SO 687, psd (2 RCs) 688-693, recon rej & psd 694, enr 742 (Chapter 108)
- SB 2-L**, enabling towns, village districts, and school districts to use the official ballot for voting on all warrant articles. (Municipal and County Government)  
**new title:** enabling any local political subdivision of the state, whose legislative body raises and appropriates funds through an annual meeting, to use the official ballot for voting on all warrant articles.  
529, am (RC) 718-725, psd 735, S conc 784, enr 811 (Chapter 164)
- SB 3-FN-L**, authorizing the sweepstakes commission and the pari-mutuel commission to establish video lottery games.  
S K 911
- SB 4-FN**, relative to the time allowed for postsurgical recovery. (Health, Human Services and Elderly Affairs)  
529, Com 687
- SB 5**, relative to information to be filed with the insurance department. (Commerce, Small Business, Consumer Affairs and Economic Development)  
529, am 676-677, psd 694, S conc 784, enr 811 (Chapter 165)
- SB 8-FN-A**, relative to the Portsmouth Naval Shipyard and making an appropriation therefor. (Finance)  
534, am 786, psd 800, S conc 808, enr 811 (Chapter 166)
- SB 9-FN-L**, relative to charter schools and open enrollment. (Education)  
530, am (RC) 818-833, psd 838, S conc 847, enr am 860, enr 869, appointments 917 (Chapter 260)
- SB 10-FN-A**, establishing a committee to study the chancellor's office of the university system and related matters and making an appropriation therefor. (Education)  
643, K 708
- SB 11-L**, relative to the application of local land use regulations to governmental units. (Municipal and County Government)  
530, rem 699, Com 734
- SB 12**, relative to the committee studying long-term care for the elderly. (Health, Human Services and Elderly Affairs)  
530, am 679, psd 694, S nonconc, conf 839, rules suspended & rep adop 846, enr 869, appointments 914 (Chapter 261)
- SB 13**, deleting the bank commissioner's authority to adopt rules regarding the conversion of credit unions from mutual to stock form. (Commerce, Small Business, Consumer Affairs and Economic Development)  
185, am 758, psd 777, S conc 784, enr 811 (Chapter 167)

- SB 14-L**, concerning inclement weather liability on municipal property other than highways. (Judiciary and Family Law)  
530, am 681, psd 694, S conc 739, enr 742 (Chapter 109)
- SB 15**, extending the committee to review the current procedures of the central registry in the department of health and human services. (Judiciary and Family Law)  
530, psd 681-682, 694, enr 742, appointments 915 (Chapter 110)
- SB 16**, relative to the powers of fiduciaries in environmental matters. (Judiciary and Family Law)  
133, psd 611, 638, enr 669 (Chapter 38)
- SB 17**, establishing a committee to continue the study of exclusivity contracts between health care insurers and health care providers and the feasibility of creating health care provider cooperative agreements. (Commerce, Small Business, Consumer Affairs and Economic Development)  
133, am 677, psd 694, S conc 784, enr 811, appointments 915 (Chapter 168)
- SB 19**, regulating persons who sell agricultural, industrial, forest and related equipment. (Commerce, Small Business, Consumer Affairs and Economic Development)  
530, am 683, psd 694, S nonconc, conf 741, rep adop 846, enr 860 (Chapter 210)
- SB 20**, relative to the maintenance and replacement of vegetation located on highway rights-of-way obstructing advertising devices. (Public Works and Highways)  
**new title**: establishing a temporary moratorium on new off-premise advertising devices and establishing an off-premise advertising device and vegetation maintenance study committee.  
133, am 706-707, psd 735, S conc 847, enr 860, appointments 915 (Chapter 211)
- SB 21**, relative to extending involuntary admissions and guardianships. (Judiciary and Family Law)  
530, am 703, psd 734, S conc 847, enr am 849, enr 860 (Chapter 212)
- SB 23**, limiting the liability of municipalities operating facilities for skateboarding, rollerblading or rollerskiing. (Judiciary and Family Law)  
185, am 642, psd 643, S conc 696, enr 742 (Chapter 111)
- SB 25**, relative to case management by the state in lead paint poisoning cases. (Health, Human Services and Elderly Affairs)  
**new title**: requiring property owner notification in certain lead exposure cases.  
185, am 679-680, psd 694, S conc 739, enr 786 (Chapter 145)
- SB 27**, relative to lead poisoning prevention and control. (Health, Human Services and Elderly Affairs)  
530, am 680, psd 694, S conc 847, enr 853 (Chapter 213)
- SB 28**, relative to the air resources council. (Science, Technology and Energy)  
**new title**: increasing the membership of the air resources council, authorizing the department of environmental services to impose administrative fines under air pollution control statutes, and extending the deadline to submit certain proposed rules.  
133, am & Finance 771-772, rules suspended 775, psd 792, 801, S nonconc, conf 808, 842, rep adop 856-857, enr 869 (Chapter 262)
- SB 29**, relative to insurers' disclosure of material transactions. (Commerce, Small Business, Consumer Affairs and Economic Development)  
133, psd 677, 694, enr 786 (Chapter 146)
- SB 30**, relative to life, accident and health insurance. (Commerce, Small Business, Consumer Affairs and Economic Development)  
133, psd 677, 694, enr 778 (Chapter 112)
- SB 31**, relative to participation in the National Association of Insurance Commissioners' insurance regulatory information system. (Commerce, Small Business, Consumer Affairs and Economic Development)  
**new title**: relative to failure of insurers to file annual statements when due.  
133, am 641, psd 643, S nonconc, conf 741, rules suspended 848, rep adop 850, enr 869 (Chapter 227)

- SB 32**, relative to risk-based capital for insurers. (Commerce, Small Business, Consumer Affairs and Economic Development)  
133, psd 677, 694, enr 778 (Chapter 113)
- SB 33**, regarding standard valuation of insurance policies. (Commerce, Small Business, Consumer Affairs and Economic Development)  
530, psd 677, 694, enr am 785, enr 838 (Chapter 178)
- SB 35**, relative to the conversion of mutual insurers. (Commerce, Small Business, Consumer Affairs and Economic Development)  
184, am 742-743, psd 776, S conc 847, enr am 849, enr 860 (Chapter 214)
- SB 37**, exempting certain organizations' recreation programs from state child day care licensing requirements. (Judiciary and Family Law)  
185, am 682, psd 694, S conc 739, enr 742 (Chapter 114)
- SB 41**, establishing separate senate and house legislative orientation committees. (Legislative Administration)  
530, am 769-771, psd 777, S nonconc 785
- SB 44**, relative to acknowledgments by a notary public. (Judiciary and Family Law)  
184, psd 682, 694, enr 699 (Chapter 74)
- SB 46**, requiring certain entities which receive state funding to make their board meeting minutes regarding the spending of those funds open to the public. (Judiciary and Family Law)  
530, K 703-704
- SB 52**, relative to condominium associations. (Commerce, Small Business, Consumer Affairs and Economic Development)  
184, am (RC) 812-816, psd 838, S conc 847, enr am 860, enr 869 (Chapter 263)
- SB 53**, establishing a committee to study issues relative to real estate appraisers. (Executive Departments and Administration)  
184, am 699-700, psd 734, S conc 784, enr am 811, enr 838, appointments 915 (Chapter 185)
- SB 54**, relative to lead paint. (Judiciary and Family Law)  
185, am 714-715, psd 735, S conc 784, enr 811 (Chapter 169)
- SB 55**, clarifying the administrative powers of the department of environmental services relative to dams, mills, and flowage. (Executive Departments and Administration)  
133, K 743
- SB 56-FN**, allowing lenders to provide copies of loan documents marked "paid in full" or "cancelled" upon full repayment of closed-end loans. (Commerce, Small Business, Consumer Affairs and Economic Development)  
185, am 758-759, psd 777, S conc 808, enr am 811, enr 853 (Chapter 215)
- SB 57-FN**, requiring the department of resources and economic development, the office of state planning, Pease development authority, and the business finance authority to make annual reports on their economic development programs. (Commerce, Small Business, Consumer Affairs and Economic Development)  
**new title:** requiring the department of resources and economic development, the office of state planning, Pease development authority, and the business finance authority to make annual reports on their economic development programs and establishing a committee to study the Pease development authority.  
530, am 759-761, psd 777, S nonconc, conf 808, rep adop 855, enr 869, S sustained veto 898
- SB 58**, relative to the possession of validated detached deer tags. (Wildlife and Marine Resources)  
133, psd 683, 694, enr 742 (Chapter 115)
- SB 59**, establishing a committee to study the problems created by the presence of lead base paint and other lead base materials in dwelling units, the availability of general liability insurance and the effects of limited tort reform on the availability of general liability insurance.  
S K 911

- SB 60**, relative to ambulatory care clinics' quality assurance programs. (Health, Human Services and Elderly Affairs)  
530, am 680-681, psd 694, S conc 739, enr 742 (Chapter 116)
- SB 62**, relative to coverage of taxicab operators underworkers' compensation.  
S K 911
- SB 63**, relative to the definition of fiduciary. (Judiciary and Family Law)  
530, am 746-747, psd 776, S conc 847, enr 860 (Chapter 216)
- SB 66**, relative to planning board procedures on plats. (Municipal and County Government)  
184, psd 687-694, enr 742 (Chapter 117)
- SB 67**, relative to the recording of plats and relative to the power to review site plans. (Municipal and County Government)  
184, am 705-706, psd 735, S nonconc, conf 808, rules suspended 848, rep adop 850, enr am 869, enr 878 (Chapter 303)
- SB 70**, relative to collection of bad checks. (Corrections and Criminal Justice)  
530, K 743
- SB 71**, relative to insurance payments for registered nurse first assistants. (Commerce, Small Business, Consumer Affairs and Economic Development)  
530, K 684
- SB 74**, exempting certain aspects of the radiological health program from the format requirements of the rulemaking process. (Science, Technology and Energy)  
**new title:** exempting certain aspects of the radiological health program from drafting and numbering requirements of the rulemaking process.  
133, am 756-757, psd 776-777, S conc 784, enr 838 (Chapter 179)
- SB 75**, responding to the passage of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994. (Commerce, Small Business, Consumer Affairs and Economic Development)  
**new title:** responding to the passage of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 and relative to the authority of the banking commissioner to supervise and examine bank holding companies.  
184, rcmt 792, am 816-818, psd 838, S conc 847, enr am 869, enr 878 (Chapter 304)
- SB 76-FN**, exempting family entertainment centers from gambling prohibitions. (Regulated Revenues)  
133, am 642, psd 643, S conc 676, enr 699 (Chapter 75)
- SB 78**, relative to funeral directors' burial plan funds. (Commerce, Small Business, Consumer Affairs and Economic Development)  
185, psd 641, 643, enr 699 (Chapter 76)
- SB 79-FN**, transferring jurisdiction over the town of Northwood from the Auburn District Court to the Pittsfield District Court; and relative to retirement service credit for district court special justices who are appointed justices. (Judiciary and Family Law)  
530, K 682
- SB 80**, reinstating the charters of Dundee Mountain Development Corp. and Cable Connector Corporation of America. (Constitutional and Statutory Revision)  
**new title:** reinstating the charters of Dundee Mountain Development Corp., Cable Connector Corporation of America, Sigma General, Inc., Yipes Stripes of New Hampshire, Inc., and Jenesco, Incorporated.  
530, am 678-679, psd 694, S conc 739, enr 778 (Chapter 118)
- SB 81**, clarifying the department of environmental services authority to levy administrative fines. (Executive Departments and Administration)  
**new title:** clarifying the authority of the department of environmental services to levy administrative fines and relative to dams, mills, and flowage.  
133, am 708-710, psd 735, S conc 784, enr 860 (Chapter 217)
- SB 82**, relative to appointments to state boards and commissions. (Executive Departments and Administration)  
530, am 700-701, psd 734, S nonconc, conf 784, rules suspended & rep adop 846-847, enr 869, S sustained veto 898

- SB 83**, allowing on-sale beverage and wine licensees to provide dancing on their licensed premises. (Regulated Revenues)  
184, psd 641-642, 643, enr 669 (Chapter 37)
- SB 86-FN**, relative to indoor air quality in state buildings. (Science, Technology and Energy)  
133, am 757, psd 777, S conc 808, enr 860 (Chapter 218)
- SB 87-FN**, relative to the business finance authority. (Commerce, Small Business, Consumer Affairs and Economic Development)  
534, psd 707, 735, enr 860 (Chapter 128)
- SB 90**, relative to uniform adjudicative hearing procedures for state agencies. (Executive Departments and Administration)  
530, Com 701
- SB 91-FN**, increasing the entrance fee at Odiorne Point state park in Rye, New Hampshire to support the Seacoast Science Center. (Resources, Recreation and Development)  
**new title:** authorizing an entrance fee to the Seacoast Science Center at Odiorne Point state park in Rye, New Hampshire.  
530, am (RC) & LT 726-729, am & Finance 775-776, rules suspended 775, psd 786, 800, S conc 847, enr 869 (Chapter 264)
- SB 95-FN-A**, relative to associate justices of the Manchester District Court and Nashua District Court. (Judiciary and Family Law)  
534, Com 769
- SB 99-FN**, requiring the international accessibility symbol to be added to the special number plates issued to certain veterans. (Transportation)  
133, psd 707, 735, enr 742 (Chapter 119)
- SB 101**, prohibiting the distribution of all forms of birth control to minors in public schools without parental consent. (Education)  
530, K (RC) 765-768
- SB 102**, allowing for discharges of mortgages by affidavit. (Commerce, Small Business, Consumer Affairs and Economic Development)  
184, K 677-678
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534, psd 687, 694, enr 742 (Chapter 120)
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530, psd 687-688, 694, enr 786 (Chapter 147)
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530, Finance 707, rules suspended 775, psd 786, 800, enr 838 (Chapter 180)
- SB 111**, designating segments of the Exeter River for the rivers management and protection program. (Resources, Recreation and Development)  
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530, am 793-795, psd 801, S conc 847, enr 853 (Chapter 219)
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530, K (RC) 715-718
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531, am 768-769, psd 777, S nonconc, conf 808, rep adop 855-856, enr 869 (Chapter 266)
- SB 121-FN-A**, establishing a pilot program to recover all fees and costs paid by the state for guardian ad litem services in divorce actions and making an appropriation therefor. (Judiciary and Family Law)  
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534, Finance 681, am 786-787, psd 801, S conc 808, enr 869 (Chapter 267)
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643, rem 742, Com 774-775
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644, psd 699, 734, enr 786 (Chapter 148)
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534, am 788-789, psd 801, S nonconc, conf 841, rep adop 857, enr 869 (Chapter 268)
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531, am 762, psd 777, S conc 848, enr am 869, enr 878 (Chapter 305)
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644, am 704, psd 735, S nonconc, conf 841, rep adop 856, enr 869 (Chapter 277)
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534, Com 682-683
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531, psd (RC) 762-765, 777, enr 801 (Chapter 149)
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644, am 744-746, psd 776, S nonconc, conf 809, 842, rep adop 858, enr am 869, enr 878, appointments 915 (Chapter 306)

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644, am & Finance 713-714, rules suspended 775, Com 792
- SB 158-FN**, requiring a waiting period for applicants for public assistance who terminate their employment voluntarily without a good cause. (Health, Human Services and Elderly Affairs)  
531, am 702-703, psd 734, S conc 848, enr 860 (Chapter 221)
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644, K 702
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644, psd 748, 776, enr 860 (Chapter 222)
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531, rem 699, am & Finance 733-734, rules suspended 775, am 790, psd 801, S conc 848, enr 860 (Chapter 223)
- SB 164-FN**, relative to the procedures of the central registry under the division for children, youth, and families. (Judiciary and Family Law)  
531, am & Corrections 748-750, rules suspended 775, am 812, psd 838, S nonconc, conf 839, 841, IP 911
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531, am & Finance 714, rules suspended 775, K 792
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534, am & Finance 729-733, am 790-791, psd 801, S nonconc, conf 839, rep adop 858-859, enr 869, appointments 915-916 (Chapter 272)
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534, Com 683

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HB 25-A, making appropriations for capital improvements and establishing a committee to oversee and set priorities for certain appropriations. Question, adopt section 28, lapse date repealed. Yeas, 201; Nays, 142 .....	564-567
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HB 54-FN, relative to the permanently and totally disabled and aid to families with dependent children; and HB 55-FN-A, Question, adopt motion to vacate both bills from finance. Yeas, 167; Nays, 178 .....	187-190
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HB 57, granting the governor reorganization authority to reduce state general fund appropriations. Question, adopt committee report of inexpedient to legislate. Yeas, 268; Nays, 75 .....	628-630
HB 60-FN, relative to health care and pertaining to certificate of need requirements, the health care transition fund, the children's health plan, participation in the medicaid health insurance program, primary preventive health services, and medical and disability coverage, and repealing certain programs. Question, adopt majority report of ought to pass. Yeas, 227; Nays, 120 .....	594-596
HB 101, increasing the age that child passenger restraints are required from 12 years of age to 18 years of age. Question, adopt majority report of inexpedient to legislate. Yeas, 236; Nays, 112 .....	511-514
HB 114-FN, establishing a brew pub liquor license and fees for the license. Question, adopt floor amendment. Yeas, 177; Nays, 178 .....	332-335
HB 125, making technical corrections and clarifications in the wiretapping and eavesdropping statutes. Question, recommit to committee. Yeas, 223; Nays, 119 .....	461-463
HB 127, relative to the statement which must be signed by applicants for notary public or justice of the peace. Question, pass over governor's veto. Yeas, 133; Nays, 195 .....	886-888
HB 141, enabling towns, school districts and village districts to use the official ballot for voting on budgetary warrant articles and amending the charter process. Question, adopt committee report of ought to pass with amendment. Yeas, 290; Nays, 51 .....	327-330
HB 179-FN-A, relative to the reconstruction of the railroad overpass on NH route 135 near the John's River in the town of Dalton and making an appropriation therefor. Question, concur with Senate amendment. Yeas, 205; Nays, 141 .....	798-800
HB 187, permitting one-party consent recording of communications under certain circumstances by presumed victims of criminal offenses, abuse or sexual harassment. Question, indefinitely postpone. Yeas, 184; Nays, 174 .....	403-405
HB 211-L, changing the school foundation aid distribution formula and providing for sweepstakes powerball revenue to be used for state aid to education. Question, adopt sections 6 and 7 of the amended bill. Yeas, 280; Nays, 77 .....	608-611
HB 223, relative to the losing party's payment of the prevailing party's costs in tort actions. Question, adopt committee report of inexpedient to legislate. Yeas, 260; Nays, 86 .....	115-117
HB 235, to establish new state representative districts for the city of Laconia. Question, adopt majority report of ought to pass. Yeas, 210; Nays, 136 .....	392-394
HB 256, changing the name of Civil Rights Day to Martin Luther King, Jr. Civil Rights Day. Question, adopt majority report of inexpedient to legislate. Yeas, 214; Nays, 144 .....	419-422
HB 266, relative to political contributions by individuals and political committees. Question, adopt committee report of inexpedient to legislate. Yeas, 244; Nays, 108 .....	394-397
HB 268, establishing a committee to study the issue of the elderly and the cost of prescription drugs. Question, adopt committee report of inexpedient to legislate. Yeas, 216; Nays, 113 .....	178-180
HB 282, implementing recommendations of the Centers for Disease Control and Prevention relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes. Question, adopt committee report of ought to pass. Yeas, 247; Nays, 87 .....	172-174

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HB 338-FN-L, eliminating school administrative units by July 1, 1996, authorizing local school districts to assume SAU responsibilities after that date, and authorizing the office of legislative services to draft the proposed legislation necessary to implement these provisions. Question, adopt committee report of inexpedient to legislate. Yeas, 240; Nays, 105 .....	225-227
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HB 405, relative to the minimum wage law. Question, adopt floor amendment. Yeas, 112; Nays, 219 .....	455-458
HB 442, establishing temporary rates equal to the statutory rates for the telecommunications tax, the meals and rooms tax, and the real estate transfer tax. Question, adopt section 1, meals and rooms tax. Yeas, 226; Nays, 101 .....	428-430
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HB 444, relative to disposal of dead fetuses. Question, adopt committee report of inexpedient to legislate. Yeas, 262; Nays, 66 .....	238-240
HB 472, requiring the division of public health services to establish a needle exchange pilot program. Question, adopt committee report of ought to pass with amendment. Yeas, 215; Nays, 123 .....	234-237
HB 515-FN, authorizing the liquor commission to determine the location of agency stores, repealing the liquor and wine import warehouse license, and prohibiting liquor/wine/beverage warehouse licensees from holding other licenses under title XIII. Question, pass over governor's veto. Yeas, 104; Nays, 235 .....	893-895
HB 535-FN-L, establishing a proportional statewide property tax to provide equal per student funding for state-mandated education, funding for kindergarten, local property tax relief for certain highly taxed municipalities and taxpayers and making an appropriation therefor. Question, adopt committee report of inexpedient to legislate. Yeas, 257; Nays, 78 .....	231-234
HB 558-FN-A, requiring certain nonprofit health insurers and dental insurers to pay the premium tax. Question, adopt conference committee report. Yeas, 187; Nays, 138 .....	865-867
HB 560-FN-A, establishing a residential care pilot program and making an appropriation therefor. Question, pass over governor's veto. Yeas, 180; Nays, 154 .....	896-898
HB 593-FN, requesting the supreme court and the attorney general to release all confidential and nonconfidential materials relative to Judge John C. Fairbanks. Question, remove from table. Yeas, 154; Nays, 178 .....	906-909
HB 597-FN-L, assessing taxes on gambling winnings to fund public kindergarten. Question, adopt committee report of inexpedient to legislate. Yeas, 275; Nays, 76 .....	283-286
HB 601-FN, relative to medical and retirement benefits for a former group II member of the New Hampshire retirement system. Question, adopt committee report of ought to pass with amendment. Yeas, 206; Nays, 145 .....	317-319

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HB 632, relative to repealing laws providing for straight-ticket voting, repealing laws that give preferential ballot position to the incumbent majority party, and prohibiting a candidate from being the nominee of more than one party. Question, shall section 9, paragraphs I and III of the bill be inexpedient to legislate. Yeas, 245; Nays, 115 .....	398-401
HB 644-FN-L, relative to fees for issuing low digit and single letter license plates and using the funds to provide financial aid to cities and towns for transporting school children to kindergarten. Question, adopt committee report of inexpedient to legislate. Yeas, 229; Nays, 106 .....	342-344
HB 650-FN-A, concerning youth access to tobacco and making an appropriation therefor. Question, adopt committee report of ought to pass with amendment. Yeas, 240; Nays, 102 .....	636-638
HCR 3, relative to population policy and environmental preservation. Question, adopt committee report of inexpedient to legislate. Yeas, 247; Nays, 101 .....	339-342
HR 1, adopting the 1994 session house rules, subject to amendments. Question, adopt floor amendment to rule 24(c). Yeas, 108; Nays, 260 .....	76-79
Question, adopt floor amendment to rule 45(c). Yeas, 104; Nays, 266 .....	79-81
Question, adopt floor amendment to rule 46(c). Yeas, 106; Nays, 257 .....	82-84
Question, adopt floor amendment to rule 46(d). Yeas, 121; Nays, 238 .....	84-87
Question, adopt floor amendment to rule 46(e). Yeas, 130; Nays, 229 .....	87-89
Question, adopt floor amendment to rules 43(b)(2) and (3). Yeas, 106; Nays, 249 .....	90-92
Question, adopt floor amendment to rule 46-a. Yeas, 92; Nays, 263 .....	92-95
HR 9, presenting a petition objecting to the seating of Robert Scott as a state representative from Sullivan county, district 4. Question, adopt subcommittee report denying petition. Yeas, 242; Nays, 101 .....	602-604
HR 18, urging Congress and the New Hampshire Congressional delegation to support school-based meal and nutrition programs. Question, adopt committee amendment. Yeas, 243; Nays, 99 .....	667-669
HR 32, urging the governor to submit the application prepared by the department of education to the federal government for a Goals 2000 grant. Question, adopt the resolution. Yeas, 216; Nays, 122 .....	881-883
SB 1, relative to term limits. Question, adopt floor amendment. Yeas, 98; Nays, 251 .....	689-691
Question, adopt majority report of ought to pass. Yeas, 203; Nays, 148 .....	691-693
SB 2-L, enabling towns, village districts, and school districts to use the official ballot for voting on all warrant articles. Question, adopt majority report of ought to pass with amendment. Yeas, 236; Nays, 106 .....	723-725
SB 9-FN-L, relative to charter schools and open enrollment. Question, adopt majority report of ought to pass with amendment. Yeas, 268; Nays, 86 .....	830-833
SB 52, relative to condominium associations. Question, adopt majority report of ought to pass with amendment. Yeas, 251; Nays, 102 .....	814-816
SB 91-FN, increasing the entrance fee at Odiorne Point state park in Rye, New Hampshire to support the Seacoast Science Center. Question, adopt majority report of ought to pass with amendment. Yeas, 167; Nays, 170 .....	726-729
SB 101, prohibiting the distribution of all forms of birth control to minors in public schools without parental consent. Question, adopt majority report of inexpedient to legislate. Yeas, 226; Nays, 102 .....	766-768
SB 114, restricting the use of hearsay evidence under the child protection act, and providing that filing a malicious false report shall be a misdemeanor. Question, adopt committee report of inexpedient to legislate. Yeas, 244; Nays, 94 .....	715-718
SB 136-FN-L, excluding Strafford county from motor vehicle emissions testing and relative to adding counties to the motor vehicle emissions testing program. Question, adopt committee report of inexpedient to legislate. Yeas, 246; Nays, 67 .....	772-774
SB 155-FN, relative to the applicability of RSA 420-H, explanation of benefits. Question, adopt minority amendment. Yeas, 134; Nays, 188 .....	763-765
SB 174-L, allowing the city of Manchester to establish and operate a civic center and establishing a civic center commission. Question, adopt motion to suspend rules. Yeas, 216; Nays, 133 .....	843-845
Question, adopt motion to suspend rules. Yeas, 217; Nays, 115 .....	861-863



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SCR 1, relative to unfunded federal mandates. Question, lay on table. Yeas, 153; Nays, 187 .....	664-666
CACR 1, relating to the governor's veto power. Providing that the governor shall have line item reduction and line item veto power of items in any bill making appropriations of money. Question, adopt motion that debate be limited to 30 minutes. Yeas, 164; Nays, 187 .....	151-153
Question, adopt floor amendment. Yeas, 103; Nays, 258 .....	154-157
Question, indefinitely postpone. Yeas, 180; Nays, 181 .....	157-159
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CACR 2, relating to returning annual legislative sessions to biennial legislative sessions. Providing that the general court shall meet biennially. Question, indefinitely postpone. Yeas, 247; Nays, 98 .....	219-221
CACR 7, relating to requiring that the attorney general be elected. Providing that the attorney general be chosen biennially in the general election. Question, adopt majority report of inexpedient to legislate. Yeas, 250; Nays, 97 .....	222-224
CACR 8, relating to the governor's appearance before a monthly joint legislative session. Providing that the governor shall appear monthly before a joint legislative session for a one hour question and answer period from January 1 until the end of the legislative session. Question, adopt committee report of inexpedient to legislate Yeas, 261; Nays, 79 .....	277-279
CACR 12, relating to changing the minimum age requirement for governor, senator, and executive councilor from 30 to 25. Providing that no person shall be capable of being elected as governor, senator, or executive councilor who is not at least 25 years of age. Question, adopt majority report of inexpedient to legislate. Yeas, 229; Nays, 123 .....	279-282
CACR 17, relating to term limits for federal and state representatives and senators. Providing that the terms of office for the members of the United States Congress from New Hampshire shall be limited to 12 consecutive years, so long as such restriction does not violate the United States Constitution, and the terms for the members of the New Hampshire house and senate shall be limited to 12 consecutive years. Question, adopt committee report of inexpedient to legislate. Yeas, 216; Nays, 131 .....	684-687
<b>Rollerblading or rollerskiing, municipal facilities, liability limited .....</b>	<b>SB 23</b>
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<b>Rural electric cooperatives, may elect to be exempt from PUC regulation .....</b>	<b>HB 520</b>

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